DANGEROUS TO DISSENT

HUMAN RIGHTS UNDER THREAT IN GAMBIA

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Cover illustration: *Solo Sandeng, UDP National Organizing Secretary, taking part in a protest organized by UDP and youth activists to demand electoral reforms in Gambia, April 2016.*
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GLOSSARY

ENGLISH	
ACHPR	African Commission on Human and Peoples' Rights
AU	African Union
CPJ	Committee to Protect Journalists
ECOWAS	Economic Community of West African States
EU	European Union
GAMCOTRAP	Gambia Committee on Traditional Practices Affecting the Health of Women and Children
GNTCA	Gambia National Transport Control Association
GPU	Gambia Press Union
GRTS	Gambia Radio and Television Services
ICCPR	International Covenant on Civil and Political Rights
IEC	Independent Electoral Commission
INGO	International Non-Governmental Organization

LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
NIA	National Intelligence Agency
PDOIS	People's Democratic Organisation for Independence and Socialism
PIU	Police Intervention Unit
UDP	United Democratic Party
UN	United Nations
UPR	Universal Periodic Review

EXECUTIVE SUMMARY

In December 2016, Gambia holds Presidential elections amid serious violations of the rights of opposition members, journalists, human rights defenders, civil society organizations and voters to express themselves freely and without fear of reprisal. Gambia's actions put it in clear contravention of its treaty obligations as a member of the Economic Community of West African States (ECOWAS) and the African Union (AU), and its obligations under international law.

The cost of dissent in Gambia came into sharp focus most recently when, in April and May 2016, Gambian security forces arbitrarily arrested and beat up dozens of members of the United Democratic Party (UDP), including its leader Ousainou Darboe, as well as supporters and bystanders who were peacefully protesting. Fifty-one people are currently on trial, and one man – Solo Sandeng, the UDP National Organizing Secretary – died in custody following torture at the National Intelligence Agency (NIA). Others were also seriously injured and tortured at the NIA, while at least 36 people arrested at a protest on 9 May 2016 are currently detained without charge.

Widespread condemnations of these acts of repression, including from the United Nations (UN), African Commission on Human and Peoples' Rights (ACHPR), ECOWAS, the USA and European Union (EU) shone a spotlight on the restrictive human rights context ahead of Gambia's elections, yet other serious human rights violations committed in recent months are less well known.

In February 2015, for example, Sheriff Dibba, leader of the Gambian National Transport Control Association (GNTCA), also died in custody and his association was prohibited by a Presidential Order. In October 2015, Imam Sawaneh was arrested, and has now been held in incommunicado detention for more than eight months, after he peacefully presented a petition to Gambia's State House. In July 2015, the managing director of an independent radio station, Alagie Ceesay, was arrested for sharing a photo through WhatsApp and detained for nine months before he escaped from hospital.

Such violations are unfortunately not new, including in periods ahead of elections. In 2011 ECOWAS refused to monitor that year's Presidential elections due to "intimidation, an unacceptable level of control of the electronic media by the party in power, the lack of neutrality of state and para-statal institutions, and an opposition and electorate cowed by repression and intimidation." The Commonwealth Expert Team monitoring the elections noted several serious concerns such as media harassment and the use of repressive laws to restrict political space.

This report seeks to analyze patterns of human rights violations in Gambia since the last Presidential elections in November 2011. Amnesty International has been monitoring the human rights situation in Gambia for over a decade, and interviewed 127 people since January 2015 for this report. These included victims and witnesses of human rights violations, opposition members, journalists in Gambia and in exile, human rights defenders and civil society organizations. The organization also wrote to, and followed up with, the Gambian authorities to present preliminary findings and to request meetings, but no response was received.

The findings are clear. Space for freedom of expression for the media was limited even before the 2011 elections, but has closed even further since. New laws introduced in 2013 have aimed to repress dissent on the internet by imposing penalties for criticizing government officials online, including for those who spread "false news" about the government or public officials. The use of archaic colonial-era laws such as sedition

has also been used to stifle dissent. Media outlets critical of the government face harassment and censorship, and in the last five years three independent media outlets have been closed down for durations of 15 months. One of those outlets, Teranga FM, was closed down three times, and its managing director was also arrested three times, during that period. In such a climate journalists do not feel free to write positively about the opposition or to criticize the government whilst in Gambia, and many feel forced to flee the country. The Doha Centre for Media Freedom estimates, for example, that 110 journalists have gone into exile since President Jammeh came to power in 1994. There are about 200 practising journalists in Gambia at present.

Opposition groups also still face major restrictions on their assemblies and activities, and the Public Order Act has been applied in a selective way to restrict public gatherings of a political nature. A brief relaxation of restrictions on organizing gatherings of political parties between April 2015 and April 2016 was short lived, and met a brutal end with the arbitrary arrests and death in custody outlined above. The imprisonment of three UDP members in December 2013, including national treasurer Amadou Sanneh who was tortured to extract a confession, also provides a deterrent to those who would consider engaging in opposition party activities.

Civil society also continues to be curtailed, and a long history of targeting human rights defenders with arbitrary arrests, detentions and threats has left groups and individuals reluctant to speak out about sensitive human rights issues. The case of Imam Sawaneh and other Imams outlined in the report show that religious leaders who are perceived to challenge the government receive the same treatment. The Government has still not complied with an order by the High Court in Banjul in March 2016 calling for Imam Sawaneh's release.

Consistent patterns of violations against opposition members, journalists and human rights defenders have created a broader climate of fear that extends to other sections of society, in which the dominant response is one of self-censorship. This is underpinned by the failure of authorities to respect legal safeguards, leading to practices of arbitrary arrests, incommunicado detentions and torture. Indeed, the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment wrote in 2015 that the practice of torture was "prevalent and routine" and the police "arrest to investigate, rather than investigate to arrest". Even Government ministers and senior officials do not escape these violations, as the continued incommunicado detention of former Deputy Minister of Agriculture, Ousman Jammeh, demonstrates.

The widespread practice of unlawful surveillance by agents of the NIA and police also contributes to self-censorship and fear. The Information and Communications Act gives broad powers to national security agencies to "monitor, intercept and store communications" without requiring any judicial authorization or oversight. Sources at the NIA and telecommunications companies confirm that the NIA and police regularly obtain printouts of phone records from telecommunications companies of people who they are interested in, without legal documentation. NIA agents and police routinely require people who are arrested to provide passwords to their emails, social media accounts and phones, and often obtain these through the use or threat of torture and other ill-treatment.

As a state party to the ECOWAS Protocol on Democracy and Good Governance, the African Charter on Human and Peoples' Rights (the African Charter) and the International Covenant on Civil and Political Right (ICCPR), Gambia is obliged to respect, promote, protect and fulfil a range of human rights in the context of elections and beyond. Yet this report demonstrates how Gambia has not only violated its obligations under these treaties, but has also shown a complete lack of willingness to co-operate with the bodies mandated to monitor and implement them.

Gambia's failure to co-operate with regional and international human rights mechanisms includes refusing to implement three separate legally binding judgements by the ECOWAS Community Court of Justice regarding the torture, enforced disappearance and murder of journalists. Gambia has also failed to comply with resolutions of the ACHPR, and has 11 outstanding periodic reports to the body, despite its headquarters being based in Banjul. Gambian authorities also prevented two UN Special Rapporteurs from visiting the high-security wing of Mile 2 prison to investigate allegations of torture, and rejected dozens of recommendations on key human rights issues during its last UN Universal Periodic Review (UPR).

Given such a consistent pattern of human rights violations, as well as a failure to respect its obligations under international law and regional treaties, there is a clear and urgent need for serious reform, including ahead of

December's elections, to ensure that all Gambians are able to express themselves freely and without fear. Measures that the Gambian authorities should take include:

- The release of all prisoners of conscience, those detained solely for exercising their rights to freedom of expression. This should include those arrested during the opposition protests in April and May 2016, Imam Sawaneh detained incommunicado since October 2015, and the three UDP members imprisoned since 2013.
- A public commitment that the authorities will ensure that all Gambians, including journalists, opposition leaders, real or perceived government opponents, human rights defenders and civil society organizations, are able to fully exercise their rights to freedom of expression, peaceful assembly and association without fear of arrest, detention, intimidation or harassment.
- The repeal or reform of laws restricting the rights to freedom of expression, peaceful assembly and association. These include the offences of sedition, criminal libel and "spreading false information" in the Criminal Code; the censorship of online expression in the Information and Communication Act of 2013; the broad surveillance powers provided under the Information and Communications Act 2009; and the restrictive provisions of the Public Order Act.
- The full and effective implementation of the outstanding judgements of the ECOWAS Community Court of Justice relating to the cases of journalists Deyda Hydara, Ebrima Manneh, and Musa Saidykhan.
- Effective measures to end practices of arbitrary arrest and detention, torture and other ill-treatment, including allowing regular independent monitoring visits to all detention sites.

Amnesty International also urges the international community, including Gambia's regional partners in ECOWAS and the AU, to consider stronger measures if Gambia does not make significant progress towards meeting its human rights obligations under international law and as a member of ECOWAS and the AU.

In particular:

- ECOWAS should consider the use of the sanctions available under Article 45 (2) of the ECOWAS Protocol on Democracy and Good Governance, and Article 77(iv) of the ECOWAS Revised Treaty, including the suspension of Gambia from all ECOWAS decision-making bodies;
- ECOWAS and the AU should establish a joint Independent Commission of Inquiry into the arrests and torture and other ill-treatment of protesters, including UDP members, between April-May 2016;
- ECOWAS, the AU and other members of the international community should ensure any election monitors deployed before and during the 2016 elections include a mandate to document and report on human rights violations;
- Donor countries should review international assistance, specifically with respect to the security and justice sectors, to ensure that such assistance is not contributing to human rights violations.

METHODOLOGY

Amnesty International has been monitoring, documenting and reporting on the human rights situation in Gambia for over a decade. This report builds on this long period of research but focuses on patterns of human rights violations since Gambia's last election in 2011, including violations of the rights to freedom of expression, peaceful assembly, liberty and security of person and freedom from torture and other ill-treatment.

Between January 2015 to May 2016, Amnesty International researchers interviewed 127 individuals, including victims and eyewitnesses of human rights violations, relatives of victims, UN and INGO representatives, diplomats, lawyers, human rights defenders, representatives of civil society organizations, journalists, opposition members, academics, former members of security forces and sources from telecommunications companies. Relevant desk research was also undertaken, such as review of media reports, UN and civil society reports, court documents and video footage.

Several individuals interviewed expressed concern for their security. Given the pattern of reprisals against critics of the government, their names and other identifying details have been omitted from this report.

Amnesty International wrote to the President of Gambia on 2 May 2016, copying relevant government ministries, requesting an official response to the concerns raised in this report. A copy of this letter can be found in Annex 1. No response was received at the time of publication despite repeated follow-ups.

We would especially like to thank all the individuals who shared information and their experiences with us as well as organizations who have been working to advance human rights in Gambia for many decades.

1. BACKGROUND: THE ROAD TO DECEMBER 2016

LONG HISTORY OF HUMAN RIGHTS VIOLATIONS

Gambia's history has been marred by serious human rights violations, especially since President Yahya Jammeh led a military coup in July 1994, overthrew Dawda Jawara's government, and declared himself Head of State before winning elections two years later. During this 21-year period, the space for expression of dissent has been severely limited. Amnesty International has documented systematic human rights violations during President Jammeh's regime including enforced disappearances, torture, restrictions on freedom of expression, arbitrary arrests and detention.[1]

There has been a history of human rights violations in the run-up to periods of political contestation. The last Presidential election was held on 24 November 2011, and the lead-up to these elections – as well as those in 2006 – saw targeting of journalists, opposition members and human rights defenders.[2] For example, in the run-up to the 2011 elections, two family members of exiled opposition leader Mai Fatty were arrested and detained for displaying political campaign materials in March 2011. On 7 June 2011, former Minister of Information and Communication, Dr Amadou Scattred Janneh, was arrested and detained at Mile 2 Central Prison along with Michael C. Ucheh Thomas, Modou Keita and Ebrima Jallow. They were charged with treason, which carries the death penalty, for printing and distributing T-shirts with the slogan "End to Dictatorship Now". Human rights defender Ndey Tapha Sosseh was also charged in absentia as she was out of the country at the time. In January 2011, state security agents temporarily shut down Teranga FM, one of the last independent radio stations operating in Gambia. It was later allowed to reopen on condition that it stopped reviewing newspapers.[3]

In September 2006, just before the 2006 Presidential elections, three UDP supporters were arrested and subjected to enforced disappearance. While two of them were released in October 2007, one of them,

[1] Amnesty International, *Gambia: Fear Rules*, 11 November 2008 (AI, *Gambia: Fear Rules*) (Index: AFR 27/003/2008) available at https://www.amnesty.org/en/documents/afr27/003/2008/en/ (accessed 13 May 2016); Amnesty International, *20 Years of Fear in Gambia: Time for Justice*, 22 July 2014 (AI, *20 Years of Fear in Gambia*) (Index: AFR/27/008/2014) available at https://www.amnesty.org/en/documents/afr27/008/2014/en/ (accessed 19 April 2016); Amnesty International, *Gambia: Deteriorating human rights situation: Amnesty International Submission to the UN Universal Periodic Review*, October-November 2014, 1 June 2014 (AI, *UPR Submission October-November 2014*) (Index: AFR 27/006/2014) available at https://www.amnesty.org/en/documents/AFR27/006/2014/en/ (accessed 7 May 2016).

[2] AI, *Gambia: Fear Rules*, available at https://www.amnesty.org/en/documents/afr27/003/2008/en/ (accessed 13 May 2016).

[3] Amnesty International, *Annual Report 2012*, POL 10/001/2012, available at https://www.amnesty.org/en/documents/pol10/001/2012/en/ (accessed 27 May 2016); Amnesty International, *Gambia must drop treason charges against activists*, 22 July 2011 available at https://www.amnesty.org/en/latest/news/2011/07/gambia-must-drop-treason-charges-against-activists/ (accessed 13 May 2016).

Kanyiba Kanyi remains missing.[4] Ten months earlier, in November 2005, three opposition leaders involved in a new coalition were arrested for alleged involvement in "subversive" activities.[5]

THREATS TO WITHHOLD ECONOMIC DEVELOPMENT

Previous electoral periods have also included overt threats to withhold economic development to areas that do not support the President. On a "Meet the People" tour in advance of the 2011 elections, President Jammeh told crowds in Central River Region that the government "*will only inject development to those areas that support me*",[6] and told others in Basse that "*I will consider helping those who like me… If you want electricity and water from my government you know how to get it.*"[7] During a similar national tour ahead of the 2006 elections, the pro-government *Daily Observer* newspaper reported that President Jammeh "*pointed out that any area that fails to vote for 'progress' should not expect anything from his government.*"[8] Amnesty International has not conducted research to conclude whether or not these threats were carried out.

The conduct of the 2011 elections were criticized by international and regional organizations, including ECOWAS who declined to send an electoral observation mission, as it usually does during elections in its member states, citing:

"*intimidation, an unacceptable level of control of the electronic media by the party in power, the lack of neutrality of state and para-statal institutions, and an opposition and electorate cowed by repression and intimidation.***"**[9]

A Commonwealth Expert Team did monitor the November 2011 elections, and noted several concerns regarding both the fairness of the process and the human rights context. They highlighted, for example, the need to bolster the independence of the Independent Electoral Commission (IEC), and the undue advantage given to the incumbent President through the use of state machinery during the campaign, and a "Meet the People" tour outside of the campaigning period. They also highlighted the unequal media airtime given in favour of the ruling party, media harassment leading to self-censorship, the existence of laws penalizing criticism of the government, and the need to widen political space, including by reviewing of the Public Order Act and the granting of permits for rallies and processions.[10] They also raised concerns that the previous removal of IEC members by the President without due process as constitutionally mandated raises concerns about the IEC's independence.[11]

According to the IEC, President Jammeh won the 2011 Presidential election with 72% of the votes with lawyer Ousainou Darboe of the UDP coming second with 17% of the votes. The voter turnout was 83%.

HUMAN RIGHTS AT RISK BEFORE AND DURING THE 2016-18 ELECTION PERIODS

Gambia is set to hold Presidential elections in December 2016 amid serious concerns about the ability of opposition, journalists, human rights defenders, civil society organizations and voters to express themselves

[4] Amnesty International, *Gambia: Fear Rules*, available at https://www.amnesty.org/en/documents/afr27/003/2008/en/ (accessed 13 May 2016).
[5] IRIN, "Three opposition leaders arrested", available at http://www.irinnews.org/news/2005/11/16/three-opposition-leaders-arrested, 16 November 2005 (accessed 13 May 2016).
[6] The Point, "Neither election, nor coup can end my gov't – Jammeh", 19 July 2011, available at http://thepoint.gm/africa/gambia/article/neither-election-nor-coup-can-end-my-govt-jammeh (accessed 22 May 2016).
[7] Daily Observer, "More opposition supporters defect to APRC in Basse", 18 July 2011, available at http://archive.observer.gm/africa/gambia/article/more-opposition-supporters-defect-to-aprc-in-basse (accessed 22 May 2016).
[8] Amnesty International interviews with journalists, civil society members and opposition members, March-May 2016. Daily Observer, "Jammeh warns against voting for opposition", 5 September 2006 available at http://allafrica.com/stories/200609070258.html (accessed 22 May 2016). See also Los Angeles Times, "Gambians vote in election condemned as unfair", 24 November 2011 available at http://latimesblogs.latimes.com/world_now/2011/11/gambians-vote-in-election-condemned-by-regional-body-ecowas.html (accessed 22 May 2016).
[9] ECOWAS Press Release, *ECOWAS Statement on the 24 November 2011 presidential election in The Gambia*, 22 November 2011. available at http://news.ecowas.int/presseshow.php?nb=234&lang=en&annee=2011 (accessed 13 May 2016)
[10] Report of the Commonwealth Expert Team, *The Gambia Presidential Election*, 24 November 2011, available at http://thecommonwealth.org/media/news/gambia-presidential-election-2011-final-report (accessed 7 May 2016).
[11] Report of the Commonwealth Expert Team, *The Gambia Presidential Election*, 24 November 2011.

freely and without fear of reprisal. National Assembly elections will also be held in April 2017 and Local Government elections in April 2018.[12]

In 2015, a number of measures taken by the government suggested an improvement in the human rights context might be possible, including the release of around 200 prisoners in July,[13] plans to establish a National Human Rights Commission[14] and relaxations around the authorization of political assemblies.[15] Gambia was also praised for enacting a law banning female genital mutilation (FGM).[16]

However, the arrests of opposition members in April and May 2016, as documented in this report,[17] suggest an intensified government crackdown on dissent in the run-up to December's elections and possibly the elections scheduled for 2017 and 2018. Many opposition and civil society members interviewed expressed concerns that the challenging human rights and economic situation[18] and increasingly frustrated population could lead to violence and instability.[19]

REFORMS TO THE ELECTORAL SYSTEM

The 1997 Constitution established after President Jammeh came into power is still in effect and provides that the President is head of state, head of the government and Commander in Chief of the armed forces. Election for President takes place every five years and there is no limit to the number of terms a President can run.[20] The 2001 amendment of the 1997 Constitution removed the previous two-term limit on the presidency and the provision for a second ballot if a presidential candidate fails to obtain 50% of the vote cast on a first ballot. Currently, presidential elections take place under a simple majority system ("first past the post") with the whole country serving as a single constituency. The Constitution provides that, with a few exceptions, every citizen who is 18 years or older is entitled to vote by secret ballot. The Elections Act 2009 covers all technical aspects of the electoral process.[21]

The Constitution provides for the establishment of an Independent Electoral Commission (IEC). The authority to appoint members of the IEC is vested in the Head of State in consultation with Judicial services Commission.[22]

In June 2015, the Elections (Amendment) Act was passed, and was criticised by opposition parties in the country for increasing barriers to political participation. For example, the deposit to run for President has increased from 10,000 Dalasi (approximately US$252) to 500,000 Dalasi (approximately US$12,630) and the deposit to run for member of the National Assembly has increased from 5,000 Dalasi (approximately US$126) to 50,000 Dalasi (approximately US$1,260).[23] Other measures include a requirement for all executive members of any party to be resident in Gambia[24] and that parties must submit yearly audited accounts to the IEC for scrutiny.[25] Parties are also now required to have an administrative secretariat in each region in Gambia,[26] a move which was welcomed by some as a positive way to increase national representation, and criticized by others for posing additional financial challenges.[27]All parties had by 31

[12] Reuters,"Gambia says to hold Presidential elections in December 2016", 30 November 2015 available at http://af.reuters.com/article/gambiaNews/idAFL8N13P54P20151130 (accessed 13 May 2016).
[13] Amnesty International, "Gambia: Prisoner release should include all those detained for expressing dissent", 24 July 2015 available at https://www.amnesty.org/en/latest/news/2015/07/gambia-prisoner-release-should-include-all-those-detained-for-expressing-dissent/ (accessed 22 May 2016).
[14] Amnesty International, *Annual Report 2014/ 2015*, available at https://www.amnesty.org/en/latest/research/2015/02/annual-report-201415/ (accessed 13 May 2016).
[15] See further, Section Three of this report.
[16] Daily Observer, "Presidential Directive/Proclamation banning FGM in Gambia", 23 December 2015, available at http://observer.gm/presidential-directive-proclamation-banning-fgm-in-the-gambia/ (accessed 13 May 2016)
[17] See further, Section Three of this report.
[18] IMF, *IMF Staff Concluded Mission to The Gambia*, 14 January 2015 available at https://www.imf.org/external/np/sec/pr/2015/pr1506.htm (accessed 13 May 2016).
[19] Amnesty International interviews, February-May 2016.
[20] Article 61 of the Constitution of Gambia, 1997.
[21] Report of the Commonwealth Expert Team, *The Gambia Presidential Election*, 24 November 2011, available at (accessed 7 May 2016).
[22]Articles 42 to 45 of the Constitution of Gambia, 1997.
[23] Section 11(a) & (b), Elections (Amendment) Act 2015.
[24] Section 17(1)(e), Elections (Amendment) Act 2015.
[25] Section 17(2)(b)(j), Elections (Amendment) Act 2015.
[26] Section 17(1)(f), Elections (Amendment) Act 2015.
[27] Amnesty International interviews with opposition leaders and civil society members, January – May 2016.

March 2016 to meet the requirements of the new Act. On 26 April 2016 the IEC endorsed eight parties, deregistered two parties and dissolved one.[28]

[28] The Point, "IEC approves 8 political parties", 26 April 2016, available at http://thepoint.gm/africa/gambia/article/iec-approves-8-political-parties (accessed 13 May 2016).

2. ATTACKS ON FREEDOM OF EXPRESSION AND MEDIA FREEDOM

> **"Being a journalist is the most risky profession in Gambia."**
>
> Journalist in exile[29]

WEAKENED AND CENSORED MEDIA

Gambia is ranked 145 out of 180 countries in the 2016 World Press Freedom Index[30] and severe restrictions faced by the media make the publication of critical views, including those of opposition parties, rare.[31]

The right to freedom of expression has been under attack since the start of President Jammeh's regime and the media significantly weakened and intimidated. When casting his ballot in the 2011 elections, President Jammeh was reported as saying:

"They talk about rights, human rights, and freedom of the press, and [say that] this country is a hell for journalists. There are freedoms and responsibilities. The journalists are less than 1 percent of the population, and if anybody expects me to allow less than 1 percent of the population to destroy 99 percent of the population, you are in the wrong place."[32]

Gambia has several private newspapers but only three (*The Point, Foroyaa* and *The Voice*) that currently print stories critical of the government and cover opposition issues.[33] One of these papers, *Foroyaa*, is the newspaper of the opposition People's Democratic Organisation for Independence and Socialism (PDOIS) party. The newspapers have small readerships, however, with just 1,500 copies printed per edition and sold

[29] Amnesty International interview, March 2016. Name withheld to protect identity.
[30] Reporters Without Borders, *2016 World Press Freedom Index*, available at https://rsf.org/en/ranking (accessed 11 May 2016).
[31] For background, see the Statement by the Gambia Press Union at the 58th Ordinary Session of the African Commission on Human and Peoples' Rights, 12 April 2016 available at http://www.foroyaa.gm/archives/10075 (accessed 11 May 2016).
[32] CPJ, "Gambian President vilifies journalist in remarks", 28 November 2011, available at https://cpj.org/2011/11/gambia-president-vilifies-journalists-in-public-re.php (accessed 13 May 2016).
[33] The rules regulating creation of private media in Gambia are restrictive. The 2004 Newspaper Amendment Act required all media outlets to re-register at the Registrar General's office within two weeks of the coming into force of the law, and obliged private media outlets to post a bond of 500,000 Dalasi (approximately US$12,413), a four-fold increase on the previous registration fee. See further, IFEX, "Article 19 concerned over adoption of Newspaper Amendment Act 2004 and Criminal Code (Amendment) Bill", 19 January 2005, available at https://www.ifex.org/the_gambia/2005/01/19/article_19_concerned_over_adoption/ (accessed 13 May 2016).

largely within the greater Banjul area. They all continue to exercise some degree of self-censorship to avoid becoming a target for the government, being shut down, or losing private sponsorship.[34]

Gambia has one state-owned national TV station, which covers pro-government stories and gives little airtime to opposition issues.[35] Foreign cable or satellite television is available but access to the technology for viewing is limited for the majority of the population.[36]

Radio remains the principal media form through which the majority of Gambians access information.[37] There are several private radio stations as well as a government-owned national radio station. However, only one private radio station, Teranga FM, substantially covers political stories, gives access to opposition voices and translates newspapers in local languages. It has been closed down three times in the past five years and its managing director, Alagie Ceesay, has been arrested three times.[38]

Alagie Ceesay, Managing Director of Teranga FM Radio was arrested, detained and tortured for sharing a WhatsApp picture considered seditious. © Amnesty International

ARREST AND DETENTION OF ALAGIE ABDOULIE CEESAY, MANAGING DIRECTOR OF TERANGA FM RADIO

On 2 July 2015, Alagie Ceesay was arrested by two members of the Gambian security forces. His whereabouts were unknown for 12 days until he was released on 13 July 2015. He had been detained at the NIA headquarters in Banjul at the time, which is not an official place of detention, without charge or access to his family or a lawyer. Amnesty International received reports from sources that he was tortured.[39]

He was arrested and detained again on 17 July 2015 at the NIA without access to his lawyer or a family. He was brought before Banjul Magistrates' Court on 4 August 2015 and transferred to Mile 2 prison on the same day. He was brought before the Banjul High Court on 25 August 2015 and charged with six counts of sedition, under Section 52 of the Gambian Criminal Code, and publication of false news with intent to cause fear and alarm among the public under Section 59(1) of the Criminal Code. It is alleged he privately shared by WhatsApp a

[34] Amnesty International interviews with five opposition leaders and 23 journalists, January 2015-May 2016.
[35] Amnesty International interviews with five opposition leaders and 23 journalists, January 2015-May 2016. See also Freedom House, *The Gambia: Freedom of the press 2015*, available at https://freedomhouse.org/report/freedom-press/2015/gambia (accessed 13 May 2016).
[36] Freedom House, *The Gambia: Freedom of the press 2015*, available at https://freedomhouse.org/report/freedom-press/2015/gambia (accessed 13 May 2016).
[37] Amnesty International interview with journalists, February-May 2016. See also, Freedom House, *The Gambia: Freedom on the net 2015*, available at https://freedomhouse.org/report/freedom-net/2015/gambia (accessed 13 May 2016).
[38] Teranga FM was forced to close for 32 days in January 2011. In February 2011, the government allowed the radio station to return to air on the condition that it did not review papers seen as "opposition newspapers". In August 2011 they were threatened with closure again if they did not drop this regular news programme. See further, CPJ, "Gambia security agency threatens to close radio station", 12 August 2011, available at https://cpj.org/2011/08/gambian-security-agency-threatens-to-close-radio-s.php (accessed 13 May 2016).
[39] Names of sources withheld to protect their identity.

picture in which a gun was pointed toward a photograph of President Yahya Jammeh. The image had been circulating on Facebook and Ceesay was not its author.

At trial, Fatou Drammeh, the principal state witness, was partly cross-examined by the defence in Court but failed to turn up for further cross-examination. She fled from Gambia and has said that she was forced by Gambian authorities to testify against Ceesay. The Court ruled against an application submitted by the defence to expunge her evidence from the record on 17 December 2015. An appeal against this ruling was filed by Ceesay's lawyer but the Court has not set a date for the appeal to be heard.

Ceesay's health had been deteriorating since the beginning of 2016. On 13 January, he was hospitalized after complaining for over a month about stomach pains and difficulties sleeping. A doctor diagnosed him with an enlarged liver and prescribed pain medication. On 29 February, he was readmitted to the same hospital for an asthma attack and returned to prison on 1 March. He was readmitted again to hospital on 13 April.

Ceesay has been denied bail on at least four occasions. From March 2016 some members of his family were denied access to him.

The UN Working Group on Arbitrary Detention released an opinion in March 2016, adopted during its 74th session in December 2015, that Ceesay had been arbitrarily deprived of liberty. It said he should be released immediately and given an enforceable right to compensation. It also said that the government should "ensure that freedom of opinion and expression is better protected" and called for an investigation into allegations that Ceesay has been tortured.[40]

On 21 April 2016 a prison officer informed the High Court in Banjul that Ceesay escaped from his hospital bed on 20 April 2016.[41]

Teranga FM is not the only media outlet critical of the government to have faced closure, harassment and censorship by the government. Two newspapers (*The Standard* and *The Daily News*) were closed along with Teranga FM, following coverage of the executions of nine death row inmates in 2012. Although 15 months later in January 2014 the ban against Teranga FM and *The Standard* newspaper was lifted, *The Daily News* is still prohibited.[42] In January 2015, Teranga FM was closed down again for four days following an attempted coup the previous month.[43]

There are several online news sites run mainly by Gambians in the diaspora or exiled journalists which provide a forum for news critical of the government. However, some of these sites have been subjected to censorship, while limited internet access and slow internet speeds mean access is in any case limited for the majority of people in the country.[44] Freedom House reported in 2014 that 20 webpages, many of which were

[40] Decision of UN Working Group on Arbitrary Detention, adopted during 30 Nov-4 Dec 2015 session, 16 December 2015, A/HRC/WGAD/2015 available at http://www.ohchr.org/Documents/Issues/Detention/Opinions2015AUV/Opinion%202015%2050_TheGambia_Ceesay_AUV.pdf (accessed 13 May 2016).

[41] Daily Observer, "Abdoulie Ceesay escaped from hospital prison officer tells court", 22 April 2016 available at http://observer.gm/abdoulie-ceesay-escaped-from-hospital-prison-officer-tells-court/ (accessed 25 May 2016)

[42] Freedom House, *The Gambia: Freedom of the press 2015*, available at https://freedomhouse.org/report/freedom-press/2015/gambia (accessed 13 May 2016)

[43] Article 19, "The Gambia: Community radio station taken off-air following foiled coup d'etat", 5 January 2015 available at https://www.article19.org/resources.php/resource/37809/en/the-gambia:-community-radio-station-taken-off-air-following-foiled-coup-d%E2%80%99%C3%A9tat (accessed 13 May 2016); CPJ, "Gambia radio station censored, director harassed after foiled coup", available at https://cpj.org/2015/01/gambia-radio-station-censored-director-harassed-af.php (accessed 14 May 2016).

[44] In April 2013 the government introduced an onerous application process for internet cafes via internet cafe registration regulations. In 2013, 1.2% of the population had access to mobile broadband and 16% had internet access. Connection speeds were very slow during 2015, averaging 1.6 Mbps (compared to a global average of 4.5 Mbps). See further, International Telecommunication Union, "Gambia Profile (Latest data available: 2013)," available at http://bit.ly/1FZxVAZ (accessed 13 May 2016). See also Freedom House, *Freedom on the net 2015: The Gambia*, available at https://freedomhouse.org/report/freedom-net/2015/gambia (accessed 3 May 2016)

news and opposition websites critical of the government, were blocked.[45] Even when access is possible, people do not always feel free to openly view such sites in public places or internet cafes,[46] especially given the arrest of several people perceived to be "informants" for diaspora media.[47]

REPRESSIVE LEGAL FRAMEWORK

Although Gambia's Constitution and international and regional human rights obligations guarantee the right to freedom of expression,[48] several restrictive laws limit this right.

RESTRICTIVE LAWS

In July 2013, the **Information and Communication (amendment) Act 2013** was passed by the National Assembly. The Act allows for courts to impose penalties of up to 15 years' imprisonment and hefty fines for criticizing government officials online, including for those who spread "false news" about the government or public officials; caricature or make derogatory statements against public officials; and incite dissatisfaction or instigate violence against the government. It means that a simple cartoon or satirical comedy could carry up to 15 years in jail and a fine of up to 3 million Dalasi (approximately US$70,030). The Act aims at repressing dissent on the internet which is an impermissible restriction on the right to freedom of expression.

In May 2013, the **Criminal Code (amendment) Act** was passed. It broadens definitions of various offences and imposes harsher punishments for acts of public disorder, such as "hurling abusive insults" or "singing abusive songs" and for giving false information to a public servant. The amendment criminalizes personal expression through choice of clothing, particularly for those who do not conform to dominant gender "norms". The Act also contains vague definitions which leave room for interpretation and application inconsistent with international human rights law.

The Gambian Criminal Code had already been amended on several occasions (2004, 2005 and 2011) to increase fines and prison terms for sentences, including for acts related to **sedition** and **libel**, with a view to muzzle freedom of expression.

These laws have been challenged before the Gambian Supreme Court by the Gambia Press Union as being unconstitutional and are also currently the subject of a case before the ECOWAS Community Court of Justice.[49] During Gambia's UPR, twelve states made recommendations concerning improving freedom of expression in Gambia. Four were accepted, "subject to the laws of the Gambia", and eight were rejected, including a recommendation to decriminalize offences related to freedom of expression.[50]

[45] Freedom House, *The Gambia: Freedom on the net 2015*, available at https://freedomhouse.org/report/freedom-net/2015/gambia (accessed 13 May 2016). See also, IFEX, "US-based online paper inaccessible from Gambia, deliberate blocking by government suspected", 14 March 2008, available at https://www.ifex.org/the_gambia/2008/03/14/us_based_online_paper_inaccessible/ (accessed 14 May 2016). Amnesty International was unable to access *Freedom Newspaper* in 2016

[46] Amnesty International interviews with journalists and civil society, 2016

[47] See for example the cases of Lansana Jobarteh (Section Three) and Lamin Camara, Momodou Sowe and Mama Harr Ceesay (Section 5)

[48] See Annex 2 (Legal Obligations)

[49] Media Legal Defence Initiative, "Gambian criminal laws challenged at regional court", 8 December 2015 available at http://www.mediadefence.org/news/gambian-criminal-laws-challenged-regional-court (accessed 25 May 2016). See the Gambian Press Union website for details of the Supreme Court case which challenges the constitutionality of sections 52, 59 and 181 of the Criminal Code available at http://gambiapressunion.org/about-gpu/

[50] Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Gambia*, 24 December 2014, A/HRC/28/6 available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/GMSession20.aspx (accessed 11 May 2016) and Human Rights Council, *Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 24 March 2015, A/HRC/28/6/Add.1 available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/GMSession20.aspx (accessed 11 May 2016)

HARASSMENT OF JOURNALISTS

"You either forgo reporting politics, you go to jail, or you report in favour of the government." Journalist in exile.[51]

The multiple arrests of Alagie Ceesay and the closure of media outlets are part of a longstanding pattern of harassment and intimidation of journalists.[52] The ECOWAS Community Court of Justice has ruled against Gambia in three cases dating back to 2004 – the enforced disappearance of Ebrima Manneh; the torture of Musa Saidykhan; and the unlawful killing of the president of the Gambia Press Union, Deyda Hydara – that are described more fully in Section Six.

Amnesty International spoke to 23 Gambian journalists, either currently working in Gambia or journalists in exile, who had either been subject to intimidation, harassment or arbitrary arrest for their work. All confirmed that they do not feel free to write positively about the opposition or to criticize the government whilst in Gambia. Given the pattern of journalists being subject to arbitrary arrest, detention and even torture for their work, all the journalists interviewed confirmed the existence of a climate of editorial self-censorship.[53]

"Most of the journalists who report on human rights issues do not go into sensitive areas such as people subjected to serious torture," one journalist told Amnesty International**.** *"People are very careful about what they report. Even if the journalists cover these stories, the editors may not publish them as they don't want to be arrested. I self-censor myself. I don't use social media to post political things."*[54]

Independent journalists also explained how the general climate of fear in the country poses challenges for them in obtaining information or access to government events.[55] A journalist, told Amnesty International:

"People are reluctant to speak to journalists as they think if the journalist gets arrested they will tell them about the source."[56]

A journalist in exile, explained:

"Beyond the physical threats, the key problem is access to information. People do not open up to the media as the government has succeeded in promoting a stereotype against journalists. People do not see us as serving the public interest. Unless you work for a government newspaper, it is hard to access information."[57]

The majority of journalists that Amnesty International spoke to expressed concern at further crackdowns on the right to freedom of expression in the lead-up to the elections.

"*There are always arrests of journalists during the pre-election and election period", noted one journalist. "Given the current political climate we fear it could get worse. We are bracing ourselves for the worst."*[58]

ARBITRARY ARRESTS AND DETENTION OF JOURNALISTS

In addition to Alagie Ceesay, the following journalists are amongst those arbitrarily arrested since the 2011 election.

Sanna Camara was arrested on 27 June 2014 and charged with publishing false information after writing an article on human trafficking in Gambia for *The Standard* newspaper. He was denied access to a lawyer or his relatives. He was

[51] Amnesty International interview with journalist in exile, March 2016
[52] Amnesty International has raised concern about attacks on freedom of expression and human rights violations against journalists for several years. For background, see Amnesty International, *Gambia: Fear Rules*, 11 November 2008 (Index: AFR 27/003/2008), Chapter 6 available at https://www.amnesty.org/en/documents/afr27/003/2008/en/ (accessed 13 May 2016)
[53] Amnesty International interviews, 2016.
[54] Amnesty International interview with journalist, 2016.
[55] Several journalists told Amnesty International it was difficult for them to access government events, the National Assembly or sensitive court hearings during interviews conducted between 2015 -2016.
[56] Amnesty International interview with journalist, March 2016.
[57] Amnesty International interview with journalist in exile, March 2016.
[58] Amnesty International interview with journalist, March 2016.

released on bail the next day and ordered to report to the police headquarters several times per week over several months. He fled into exile in August 2014.[59]

Fatou Camara, a TV broadcaster and former press secretary for President Jammeh, was arrested in September 2013 and held incommunicado for nearly a month. She was forced to give the NIA her email and Facebook passwords. She was finally charged with "Sedition for supplying false information with the intent to tarnish the image of the President". In October 2013, she was released on bail for 5 million Dalasi (approximately US$124,477). She fled the country the same month in fear for her safety.[60]

Alhagie Jobe was a journalist working for the pro-government *Daily Newspaper.* He was arrested on 7 February 2013 over an article he was writing related to a soldier who did not want to participate in the execution of nine death row inmates in 2012. He was detained for three days at the NIA where he was tortured by being punched and beaten with sticks and subject to cigarette burns. The NIA agents searched his computer, forced him to give his email password, and showed him printouts of his phone records. After a month in a medical facility he was charged on 11 March with seditious intention, contrary to section 52 of the Criminal Code. He was refused bail and detained in Mile 2 prison for 17 months until he was acquitted on 3 September 2014. He was informed on 17 September that the State had appealed against his acquittal and he fled Gambia fearing further persecution and harassment.[61]

Abdoulaie John was the editor of the online *Jollof News* and contributor for The Associated Press. He was arrested by NIA agents on 9 December 2012, while he was on assignment with The Associated Press. He had been reporting on the release of eight Senegalese security personnel who had been captured by the Mouvement des Forces Démocratiques de Casamance (MFDC). He was detained overnight after he engaged in a verbal altercation with a presidential photographer over his presence at the event. He was released after paying 50,000 Dalasi bail (approximately US$1,167) and surrendering his passport. The NIA required John to continuously report to its headquarters for questioning in connection with an unspecified investigation. When John went to report to the NIA on 7 January 2013, he was re-arrested and his home searched. He was released three days later. His passport, laptop computer, and flash drive were confiscated by the NIA and he was told that he would be required to continue reporting to them until he granted them access to his emails, which he refused. Local journalists believe this was in relation to his reporting for *Jollof News,* which was periodically blocked. He fled into exile in June 2013 and has never obtained his passport back from the NIA.[62]

CHALLENGES FOR INTERNATIONAL MEDIA COVERAGE

The repressive environment in Gambia also creates challenges for international media to report on human rights issues or issues seen as politically sensitive. Several international journalists told Amnesty International that the programme for journalists who are granted accreditation is often heavily controlled by the government. Going without accreditation means risking being arrested and putting sources at risk given the

[59] Amnesty International, *Annual Report 2014/5*, available at https://www.amnesty.org/en/latest/research/2015/02/annual-report-201415/ (accessed 14 May 2016).
[60] AI, *20 Years of Fear in Gambia,* available at https://www.amnesty.org/en/documents/afr27/008/2014/en/ (accessed 19 April 2016).
[61] Amnesty International interview, 2016.
[62] Amnesty International, Open Letter to President Jammeh, 23 January 2013 (Index: AFR 27/001/2013) available at https://www.amnesty.org/en/documents/AFR27/001/2013/en/ (accessed 14 May 2016); Article 19, "Justice for Abdoulaie John: Fighting Impunity in The Gambia", 2 November 2014 available at https://www.article19.org/join-the-debate.php/194/view/ (accessed 14 May 2016).

small size of the country and the widespread fear of real or perceived physical surveillance by NIA agents and informants.[63]

In August 2015, journalists from Al Jazeera had their permit revoked whilst in Gambia. They were in the country to report on why so many Gambians are risking their lives to flee to Europe. They were told that the President had revoked their permission.[64] In 2012 a BBC journalist who had come to report on the 2012 executions of death row inmates, and had obtained the required journalist visa, was held at the airport for five hours and then told to take the next plane back.[65] A regional media organization told Amnesty International that they had found it difficult to find radio stations in Gambia who were willing to broadcast their programmes, often focused on human rights or political issues, due to fear of repercussions.[66]

A journalist working with an international press agency in the region told Amnesty International that it was hard to get government comment on sensitive issues, making it hard to have balanced reporting. She also said, "*It is very difficult to work with local reporters because they are scared. I often have journalists on the phone begging me not to include their names in stories as they are afraid to be arrested.*"[67]

JOURNALISTS FLEEING INTO EXILE

Amnesty International has documented dozens of journalists fleeing Gambia due to threats, intimidation, harassment and violence,[68] and research conducted by the Doha Centre for Media Freedom in 2013 estimates that at least 110 journalists had fled the country since President Jammeh came to power in 1994[69]. There are currently around 200 journalists working in Gambia.[70]

Journalists spoke about the impact this enforced brain-drain had on the media and freedom of expression in Gambia. One journalist working in Gambia explained how this flight of journalists "*has weeded the profession of the best and most experienced journalists"*, while another journalist who had himself fled described how many of his former colleagues have left the profession because they viewed journalism in Gambia as "*a risky career*" with "*little benefit*". Another journalist in exile spoke of the "*systematic fear in the media*" behind the departure of "*so many good journalists*" and, like others interviewed, expressed his concern about the negative impact the lack of a "*free and vibrant media*" will have on the 2016 elections.[71]

[63] Amnesty International interviews with three journalists working for various international agencies, February-March 2016.
[64] Al Jazeera, "Being a journalist in Gambia", 1 September 2015, available at http://www.aljazeera.com/blogs/africa/2015/09/journalist-gambia-150901115412642.html (accessed 14 May 2016).
[65] BBC, "The darker side of sunny Gambia", 14 September 2012 available at http://www.bbc.co.uk/news/magazine-19577327 (accessed 14 May 2016).
[66] Amnesty International interview with regional media organization, February 2016.
[67] Amnesty International interview with journalist working with an international press agency, March 2016.
[68] See for example AI, *Gambia: Fear Rules*, available at https://www.amnesty.org/en/documents/afr27/003/2008/en/ (accessed 13 May 2016).
[69] Doha Centre for Media Freedom, *Plight of exiled Gambian journalists*, 1 October 2013 available at http://www.dc4mf.org/en/content/plight-exiled-gambian-journalists-report (accessed 13 May 2016). Article 19 has also noted that more than 100 journalists have left Gambia due to persecution. See further, Article 19, *UNHRC: State Violence in Gambia sustains apparatus of censorship*, 19 June 2015, available at https://www.article19.org/resources.php/resource/38008/en/unhrc:-state-violence-in-gambia-sustains-apparatus-of-censorship (accessed 13 May 2016).
[70] Information provided by the Gambia Press Union to Amnesty International, May 2016.
[71] Amnesty International interviews with 23 journalists and journalists in exile, January 2015-May 2016.

3. OPPRESSION OF OPPOSITION

> **"Our members are prone to arrest, detention and even torture."**
>
> Solo Sandeng, UDP National Organizing Secretary, interviewed by Amnesty International in early 2016, a few weeks before his death in custody.

RESTRICTIONS ON FREEDOM OF PEACEFUL ASSEMBLY

Political parties in Gambia continue to face severe restrictions to their right to organize peaceful political rallies and demonstrations. The selective use of laws such as the Public Order Act has long been used to deny permits for opposition rallies and processions,[72] while arrests of those who have previously sought to organize assemblies provide a further deterrent to others.[73]

Such restrictions reflect a general intolerance of dissent voiced most recently by President Jammeh when he described opposition members as "*evil vermin*" who would be "*buried nine-feet deep*" if they seek to "*destabilise the country.*"[74]

This repression of opposition activities came into sharp focus during a series of protests in April and May 2016 in which excessive force was used to disperse and arrest dozens of demonstrators. 51 people have so far been charged with two counts under the Public Order Act and five charges under the Criminal Code for

[72] Report of the Commonwealth Expert Team, *The Gambia Presidential Election*, 24 November 2011, available at http://thecommonwealth.org/media/news/gambia-presidential-election-2011-final-report (accessed 7 May 2016).
[73] For example, in October 2009 the UDP campaign manager, Femi Peters, was arrested during a peaceful demonstration, charged under the Public Order Act and sentenced to one year imprisonment. Amnesty International, "Gambia frees opposition leader", 16 December 2010, available at https://www.amnesty.org/en/latest/news/2010/12/gambia-libera-dirigente-oposicion/ (accessed 26 May 2016).
[74] Sahara Reporters, "Gambia's Jammeh threatens to bury opponents 'nine-feet deep' ", 19 May 2016 available at https://jollofnews.com/2016/05/19/gambia-yahya-jammeh-threatens-to-bury-opposition-nine-feet-deep/ (accessed 22 May 2016); West Africa Democracy Radio, "Gambian President Yahya Jammeh vows to bury the opposition 9-feet deep", available at https://soundcloud.com/westafricademocracyradio/gambian-president-yahya-jammeh-vows-to-bury-the-opposition-9-feet-deep (accessed 22 May 2016).

their involvement in unauthorized protests during these months. At least 36 people remain detained without charge, and one man has died in custody (see box below).

Solo *Sandeng, UDP National Organizing Secretary, taking part in a protest organized by UDP and youth activists to demand electoral reforms in Gambia, 14 April 2016. © Amnesty International*

DEATH IN CUSTODY OF SOLO SANDENG AND TRIAL OF UDP LEADER AND 50 OTHERS

Arrest of protestors and death in custody, 14 April 2016

A peaceful demonstration in Serrekunda by UDP members and youth groups in favour of electoral reform was dispersed by police who beat protestors with sticks and arrested several people, including a number of UDP members.

According to information received by Amnesty International, Solo Sandeng, the UDP National Organizing Secretary, died in detention shortly after his arrest. Members of his party allege that he died after being tortured by agents of the NIA. Amnesty International has received reports that several of those arrested were seriously injured[75]. Nogoi Njie, a businesswoman arrested on 14 April, described in an affidavit filed at the High Court how she had seen the beaten body of Solo Sandeng at the NIA headquarters, swollen and bleeding, fearing he was dead. She also described how she herself was tortured at the NIA by men clothed in black hoods and black gloves, beaten with hose pipes and batons while water was poured over her.[76]

At the time of writing, the government had not made an official statement concerning Solo Sandeng, though he has not been produced in court and his name is not on the charge sheet.[77] Members of his family have received anonymous threats, and some fled the country fearing that security officials were looking for them after agents were stationed outside their house.[78]

25 people were eventually charged and they remain detained in Mile 2 prison having been denied bail.[79]

[75] Amnesty International interviews, April 2016. See also, Amnesty International, *Gambia: Death in detention of key political activist*, 16 April 2016 available at https://www.amnesty.org/en/latest/news/2016/04/gambia-death-in-detention-of-key-political-activist/ (accessed 21 April 2016).
[76] Affidavit filed at the High Court of The Gambia on 11 May 2016 in support of a Habeus Corpus application on behalf of Solo Sandeng. (*Ebrima Solo Sandeng v Inspector General of Police et al.*) A full text of the affidavit was printed on Jollof News, "Detained Businesswoman narrates harrowing torture", 12 May 2016 available at https://jollofnews.com/2016/05/12/gambia-detained-businesswomen-narrates-harrowing-torture/ (accessed 20 May 2016).
[77] Interviews conducted by Amnesty International, May 2016. On 11 May 2016, lawyers filed a Habeas Corpus application at the High Court on his behalf requesting that he be brought to court.
[78] Interviews conducted by Amnesty International, May 2016.
[79] Their lawyers have appealed this decision to the Court of Appeal and also filed an application challenging the constitutionality of provisions of the Public Order Act.

Arrest of protestors and excessive use of force, 16 April 2016

Members of the UDP party gathered again at Kairaba Avenue in Banjul, outside their party leader's house, on Saturday 16 April to demand justice for Sandeng's death and the release of other members of their party. Eyewitnesses said that the demonstrators were peaceful but police fired tear gas at the demonstrators and beat them with batons while carrying out arrests. Several UDP executive members, including party leader Ousainou Darboe, were arrested alongside a number of other protesters and bystanders.

Twenty people were eventually charged and they remain detained in Mile 2 Prison having been denied bail[80].

Arrest of protestors and excessive use of force, Westfield, Banjul, 9 May 2016

On 9 May around 40 protesters were arrested on the Banjul-Serrekunda highway as they made their way towards Westfield, a suburb of Banjul, after the court hearing of Ousainou Darboe and others. Eyewitnesses explained that protesters were stopped by the Police Intervention Unit (PIU) who started beating some protesters. Some protesters threw stones in reaction and several people, including a PIU officer, were injured.

Six women, including a mother with a one-month-old baby and a 60-year-old woman, were charged then granted bail on 19 May 2016.[81] At least thirty-six others are still being detained at Janjanbureh prison and have not yet been charged.[82]

The arrests on 9 May followed several other peaceful protests outside the court hearings that were not significantly obstructed by security forces.

Reactions

Speaking to the media, Gambia's Information Minister Sheriff Bojang said that Ousainou Darboe and the others violated Gambia's Public Order Act, which forbids acts such as street protests and meetings without first receiving permission from the police.[83] The Minister of Justice gave the same explanation to an ECOWAS-AU-UN delegation.[84]

In a recent interview with Jeune Afrique magazine, President Jammeh confirmed that one person died in custody following the events of 14 and 16 April 2016. He was quoted as saying "*What is the problem? People die in custody or during interrogations, it's really common. This time, there is only one dead and they want investigations? I will not. No-one can tell me what to do in my country*"[85]

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[80] Amnesty International interviews, April-May 2016. See also Voice of America, "Gambia Opposition Seeks International Help After Leader Denied Bail", 6 May 2016 available at http://www.voanews.com/content/gambia-opposition-seeks-international-help-after-leader-denied-bail/3318104.html / (accessed 20 May 2016).

[81] Amnesty International interviews, May 2016. See also The Point, "Accused person collapses, in trial of six female alleged demonstrators", 20 May 2016 available at http://thepoint.gm/africa/gambia/article/accused-person-collapses-in-trial-of-six-female-alleged-demonstrators (accessed 23 May 2016) and The Standard, "6 women protestors granted bail", 20 May 2016 available at http://standard.gm/site/2016/05/20/6-women-protesters-granted-bail/ (accessed 23 May 2016).

[82] Amnesty International interviews, May 2016. See also Foroyaa, "36 UDP supporters in detention without trial for 10 days today says UDP National President", 19 May 2016 available at http://www.foroyaa.gm/archives/10658 (accessed 22 May 2016).

[83] VOA, "Gambia opposition seeks international help after leader denied bail", 6 May 2016 available at http://www.voanews.com/content/gambia-opposition-seeks-international-help-after-leader-denied-bail/3318104.html (accessed 22 May 2016).

[84] State House Press Release, "Government, UN/AU ECOWAS Joint Delegation discuss Gambia's electoral process", 9 May 2016 available at http://statehouse.gov.gm/press-release/government-unau-ecowas-joint-delegation-discuss-gambias-electoral-process/ (accessed 13 May 2016).

[85] Jeune Afrique, Yahya Jammeh à J.A. : « Je ne suis qu'un dictateur du développement », 29 May 2016, available at http://www.jeuneafrique.com/328988/politique/yahya-jammeh-a-j-a-ne-suis-quun-dictateur-developpement/ (accessed 30 May 2016).

The reaction by the Gambian government to these peaceful protests received widespread condemnation, including from ECOWAS, the ACHPR, EU, UN, UK, USA and civil society groups.[86]

Amnesty International considers all those arrested in connection with the three peaceful protests to be prisoners of conscience.

The events in April and May 2016 were far from being the first time that the Gambian authorities have cracked down on the opposition's ability to assemble organized activities, although they did bring to a brutal end to a period of approximately 12 months in which opposition parties had, unusually and for reasons that remain unclear, been able to hold several rallies without serious problems.[87]

The temporary relaxation followed a stand-off between police and UDP members a year earlier, on 16 April 2015, when the UDP had planned to start a nationwide tour but had been denied a permit for the use of a public address (PA) system.[88] Deciding to proceed anyway without the PA system, the Police Intervention Unit (PIU) and other security forces blocked their passage with roadblocks at Fass Njaga Choi in the North Bank Region.[89] The UDP members and supporters refused to leave, remaining in place for four days before a permit was finally granted and the tour able to proceed.[90]

Nor were events in April 2016 the first time Solo Sandeng himself had been arrested. On 4 December 2013, Sandeng and six other UDP members were arrested, alongside the Chairman of the Village, for holding a meeting at the Tanje Community Centre. Solo Sandeng was questioned by the police for six hours and then he, and the others, were released. On 9 December, he was then detained for 10 days by the NIA without access to his lawyer or family before being taken to the Police Headquarters in Banjul where he was detained for five days. He was charged for holding an unlawful gathering and giving false information to a public officer. The Prosecution alleged that when he applied for the permit it was for a social gathering but a political gathering was held. His case was heard at Brikama Magistrates' Court and he was granted bail on 30 December 2013. He was discharged and acquitted on 17 March 2014.[91]

In February 2014, 14 UDP youth members were also charged with organizing an unauthorized gathering in the Kombo South village of Madiyana. The UDP told the media that these members were arrested while on a tour to meet with the newly selected committee members in Kombo South. They were tried but discharged and acquitted in April 2014 by Brikama Magistrates Court.[92]

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[86] UN News Centre, Ban calls for release of detained protesters after death of opposition members, 17 April 2016 available at http://www.un.org/apps/news/story.asp?NewsId=53702#.VzchJWdwXtQ; US Department of State, *United States Condemns The Gambia's Response to Peaceful Protests*, 17 April 2016 available at http://www.state.gov/r/pa/prs/ps/2016/04/255890.htm; European Union, Statement by the Spokesperson on recent violence in The Gambia, 17 April 2016 available at http://eeas.europa.eu/statements-eeas/2016/160417_02_en.htm; ACHPR, Press Statement of the African Commission on Human and Peoples' Rights on the events of 14 and 16 April 2016, in the Islamic Republic of The Gambia, 19 April 2016 available at http://www.achpr.org/press/2016/04/d298/; ECOWAS, ECOWAS Commission expresses concerns over the Political situation in the Islamic State of The Gambia, 20 April 2016 available at http://www.ecowas.int/ecowas-commission-expresses-concerns-over-the-political-situation-in-the-the-islamic-state-of-the-gambia/; OHCHR, Comment by the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein on the situation in The Gambia, 17 April 2016 available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19830&LangID=E#sthash.mGumKlwJ.dpuf (accessed 16 May 2016).

[87] Amnesty International interviews with seven opposition members representing five political parties, 2016.

[88] Under the Public Order Act Section 6.

[89] Amnesty International interviews with three UDP members. See also, VOA, "Gambia opposition leader cannot use PA system", 17 April 2015 available at http://www.voanews.com/content/gambia-opposition-denied-permit-too-use-pa-system-to-address-supporters/2723413.html (accessed 22 May 2016) and US Department of State, *The Gambia: Country reports on human rights practices for 2015*, http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper (accessed 21 April 2016).

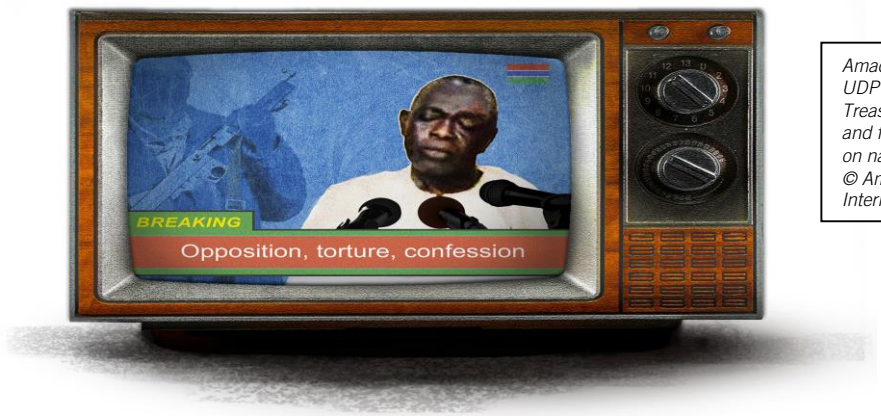
[90] Foroyaa, "UDP issued a permit, standoff over", 23 April 2015, http://www.foroyaa.gm/archives/4835 (accessed 19 April 2016).

[91] Amnesty International interview with Solo Sandeng, early 2016. See also The Point, "UDP militant granted bail as trial commences", 31 December 2013 available at http://thepoint.gm/africa/gambia/article/udp-militant-granted-bail-as-trial-commences (accessed 26 May 2016) and Daily Observer, "UDP youth leader acquitted, discharged", 19 March 2014 available at http://archive.observer.gm/africa/gambia/article/udp-youth-leader-acquitted-discharged (accessed 20 May 2016).

[92] Amnesty International interviews with two UDP opposition members, early 2016. See also, The Voice, "UDP executives, supporters arrested", 17 February 2014 available at http://thevoicegambia.com/2014/02/17/udp-executives-supporters-arrested/; Kairo News, "Court acquits UDP 14", available at http://www.kaironews.com/udp-14-freed/ (accessed 22 May 2016).

HARASSMENT OF OPPOSITION MEMBERS

Opposition members told Amnesty International that sporadic and unpredictable harassment, including threats and arbitrary arrests, disrupted their activities and resulted in many people not wanting to be openly identified with the opposition.[93] High-profile cases of opposition members being arrested and tortured provide a significant deterrent to political activity.



Amadou Sanneh, UDP National Treasurer, tortured and forced to confess on national television. © Amnesty International

TORTURE AND IMPRISONMENT OF UDP ACTIVISTS AMADOU SANNEH, ALHAGIE SAMBOU FATTY AND MALANG FATTY

On 18 December 2013, Amadou Sanneh, the National Treasurer of Gambia's opposition UDP, and two other UDP members, Alhagie Sambou Fatty and Malang Fatty, were convicted of sedition and sentenced to up to five years of imprisonment. They were held incommunicado at the NIA Headquarters for nearly a month prior to their trial, and Alhagie Sambou Fatty and Malang Fatty had no legal representation throughout their incarceration and trial. All three alleged they were tortured to confess on national television.

Malang Fatty was arrested at Amdallai Border Post by Gambia's NIA agents as he tried to leave the country on 19 September 2013. He was in possession of a document provided by Amadou Sanneh and his brother Alhagie Sambou Fatty in support of his asylum claim. Amadou Sanneh was arrested on 25 September by the NIA. He had written a letter supporting the asylum application of UDP member Malang Fatty. In the letter, Amadou Sanneh claimed Malang Fatty had received death threats from government security services and that the UDP was routinely persecuted by the Gambian government.[94]

Amadou Sanneh appealed his sentence, which was denied by the Court of Appeal on 30 July 2015. To date, the Court has not delivered a judgement outlining the reasons for the dismissal.

On 24 July 2015, President Jammeh pardoned at least 200 prisoners, including numerous prisoners jailed for treason, drug offences and corruption, a former director of the NIA and a former police chief. Amnesty International raised

[93] Amnesty International interviews with seven opposition members, early 2016.
[94] AI, *20 Years of Fear in Gambia*, available at https://www.amnesty.org/en/documents/afr27/008/2014/en/ (accessed 22 April 2016); Amnesty International, "The Gambia: Release political opponents who made TV 'confessions' under torture", 22 October 2013 available at https://www.amnesty.org/en/latest/news/2013/10/gambia-political-opponents-harassed/ (accessed 22 May 2016).

concern that political opponents, such as Amadou Sanneh, were not included in this pardon.[95]

Amnesty International considers the three opposition members to be prisoners of conscience.

UDP MEMBER CONVICTED AND SENTENCED FOR BROADCASTING WITHOUT A LICENCE FOR SKYPE CALL TO ONLINE RADIO

On 19 June 2014, Lansana Jobarteh, a UDP member, was convicted for broadcasting without a licence contrary to the Information and Communications Act 2009 and sentenced to pay a fine of 50,000 Dalasi (approximately US$1,167) in default of a one-year prison sentence. Lansana Jobarteh was attending a UDP rally on 14 December 2013 and spoke via Skype to Freedom Radio about what was happening at the rally. He did not realize at the time that his conversation was being broadcast. When he came home later during the day, he was met by NIA agents who took him to their headquarters. He was detained and interrogated for eight days, without access to his family or lawyer. He was threatened and accused of being an informant for Freedom Radio. He was then released, charged and granted bail. He has appealed the sentence.[96]

LACK OF OPPOSITION ACCESS TO THE MEDIA

"The greatest challenge for the opposition to succeed is the inability to propagate our ideas. There is severe repression of the media. Voters do not know our views or policies as they hardly hear them over the five-year election cycle. You cannot win an election when people do not know where you stand." Opposition Leader

All the opposition leaders interviewed by Amnesty International described how the lack of freedom to communicate through the media was a major restriction on their activities.[97] Opposition parties are rarely featured on the government-owned and controlled Gambia Radio and Television Services (GRTS), apart from during a short period before elections,[98] while private radio stations are reluctant to feature opposition stories and exercise self-censorship due to fear of reprisals. The platform given to opposition voices on independent radio station Teranga FM was cited by journalists and opposition leaders as one of the reasons for the repeated arrests of its Manging Director, Alagie Ceesay, and its closure three times in the past five years.[99]

This culture of self-censorship when covering opposition stories was explained by a journalist in exile:

"Editors in the newsroom would censor what we wrote when covering the opposition as they are afraid. My editor told me that the atmosphere is fragile at the moment. He said the opposition can criticize Jammeh but if the media reports it we can go to jail due to the media laws."

The result of government control of State TV and radio and self-censorship by private stations is that, in the words of another journalist interviewed, *"The only platform for opposition to express even weak opponent views are newspapers, and all of them are in English."* Yet such reach is limited because "*To most*

[95] Amnesty International, "Gambia: Prisoner release should include all those detained for expressing dissent", 24 July 2015 available at https://www.amnesty.org/en/latest/news/2015/07/gambia-prisoner-release-should-include-all-those-detained-for-expressing-dissent/ (accessed 22 May 2016).
[96] Amnesty International interviews with opposition members, early 2016. See also Foroyaa, "Today is D-Day for Lansana Jobarteh", 19 June 2014 available http://www.foroyaa.gm/archives/169 (accessed 22 April 2016) at *Daily Observer*, "Lansana Jobarteh convicted", 11 July 2014 available at http://archive.observer.gm/africa/gambia/article/lasana-jobarteh-convicted?_sm_au_=iVVj33tNJqwV6n7t (accessed 22 April 2016).
[97] Amnesty International interviews with five opposition leaders, March-May 2016.
[98] Interviews with five opposition leaders and 23 journalists by Amnesty International, January 2015-May 2016. See also Freedom House, *The Gambia: Freedom of the press 2015*, available at https://freedomhouse.org/report/freedom-press/2015/gambia (accessed 13 May 2016).
[99] Amnesty International interviews with five opposition leaders and 23 journalists, January 2015-May 2016.

Gambians buying newspapers is a choice between having something to read and something to eat."[100]

TWO JOURNALISTS TRIED FOR ARTICLE ABOUT DEFECTIONS TO OPPOSITION

Journalists Musa Sheriff and Sainey M.K. Marenah were arrested on 13 January 2014, following an article in *The Voice* newspaper on the defection of youth supporters from the ruling party to the opposition. On 16 January, they were released on bail for 20,000 Dalasi (approximately US$500) and charged with "conspiracy to commit misdemeanour" and "publication of false news". They were eventually discharged and acquitted on 10 November 2014 after a 10-month trial. Sainey M.K. Marenah fled Gambia on 14 November 2014 as he received information that the government was not happy about the acquittal and currently lives in exile.[101]

He told Amnesty International, *"I had to flee as I felt my safety as a young journalist was at risk. How will media want to cover opposition stories when they see what happened to me? Since then there have been more defections but the media is reluctant to cover this."*[102]

[100] Amnesty International interview with journalist in early 2016.
[101] AI, *20 Years of Fear in Gambia,* available at https://www.amnesty.org/en/documents/afr27/008/2014/en/ (accessed 22 April 2016); Amnesty International, *Gambia: Further information – journalists acquitted and discharged, 12 November 2014* (Index: AFR 27/014/2014) available at https://www.amnesty.org/en/documents/afr27/014/2014/en/ (accessed 22 April 2016).
[102] Amnesty International interview with Sainey M.K. Marenah, March 2016.

4. CIVIL SOCIETY CURTAILED

> **"There is no room in Gambian society to discuss civil or political rights. If attempted, the standard response is deprivation of liberty with serious risk of torture or ill-treatment."**
>
> UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment[103]

TARGETING OF HUMAN RIGHTS DEFENDERS

A long history of targeting of human rights defenders, through arbitrary arrests and detention and threats, has left civil society organizations reluctant to focus on or speak out about sensitive human rights issues.[104] Following a visit to Gambia in November 2014, the UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment described *"a layer of fear that was visible on the faces and in the voices of many he met from civil society and this even extended to some Government officials."*[105]

In 2009 President Jammeh was criticized by the ACHPR for having specifically threatened human rights defenders, and those working with them, by emphasizing that their security and personal safety would not be guaranteed by the government of Gambia and saying he would kill anyone who threatened to destabilize the country.[106]

One civil society activist told Amnesty International how "constant surveillance" creates pressures for human rights activists, journalists and opposition groups[107]. "*I've come home and my kids would tell me that a gentleman came by and was asking 'friendly questions'. Intelligence agents mingle with participants at our events, and record activities with secret cameras. What's more, my emails have been hacked in the hope of getting incriminating information. If you campaign on human rights, not only is your own life in constant*

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[103] Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Mission to Gambia, 16 March 2015, A/HRC/28/68/Add.4, para. 12 available at http://ap.ohchr.org/documents/dpage_e.aspx?m=103 (accessed 22 May 2016).
[104] Amnesty International interviews with civil society members, April 2015-May 2016. See also AI, *Gambia: Fear Rules*, Chap. 6 available at https://www.amnesty.org/en/documents/afr27/003/2008/en/ (accessed 13 May 2016) and The Observatory for the Protection of Human Rights Defenders, *The Gambia: Climate of fear amongst the community of human rights defenders*, July 2011 available at https://www.fidh.org/IMG/pdf/reportthegambiaobsjuly2011.pdf (accessed 27 April 2016).
[105] Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Mission to Gambia, 16 March 2015, A/HRC/28/68/Add.4, para. 12 available at http://ap.ohchr.org/documents/dpage_e.aspx?m=103 (accessed 22 May 2016).
[106] ACHPR, *Resolution on the deteriorating human rights situation in the republic of Gambia*, 11 October 2009 available at http://www.achpr.org/sessions/7th-eo/resolutions/145/ (accessed 22 May 2016). Gambia has never implemented the recommendations of the resolution.
[107] For more information on surveillance, see Section 5.

danger, but also the lives of people you know and work with. Many activists have come under heavy pressure from family, friends and neighbours to stop their human rights work. In some cases, people have even been abandoned by their family and friends."[108]

ARRESTS OF HUMAN RIGHTS DEFENDERS

On 18 March 2015, **Minah Manneh**, a women's rights activist, filmed footage of a police officer beating some school children with a cane after he had found them fighting. She posted this on her Facebook page and also sent it via WhatsApp to the police public relations officer. Within 24 hours she received a call telling her to report to the nearest police station. She was detained incommunicado for one day at the NIA and then released. She fled Gambia as she was scared of being arrested and possibly being charged under Gambia's repressive "false news" law which carries a fine of 3 million Dalasi (approximately US$70,030) or up to 15 years in prison.[109]

Social activist and lecturer at the University of Gambia **Sait Matty Jaw** was arrested on 5 November 2014 by NIA agents along with Ghanaian national Seth Yaw Kandeh and Nigerian national Olufemi Erinle Titus. All three were working for a market research agency called FACTS International Ghana Limited. They were arrested for their involvement in a poll survey on "good governance and corruption" to be undertaken on behalf of consulting company, Gallup. They were held without charge for a week. Sait Matty Jaw was released on bail on 12 November but rearrested on 10 December and arraigned, along with Seth Kandeh and Olufemi Titus. All three were charged with "conspiracy to commit a misdemeanour", "failure to register a business" and two counts of "disobedience of statutory duty". They were granted bail on 17 December, by the Banjul Magistrates' Court. Bail was set at 5 million Dalasi in property value (approximately US$116,000).[110] Sait Matty Jaw was finally discharged on 29 April 2015.[111]

On 3 December 2012, prominent lawyer and the former president of the Gambia Bar Association, **Amie Bensouda**, was arrested by the NIA and after a few hours transferred to Police Headquarters in Banjul where she was held incommunicado for two days before being allowed access to visitors. She was released without charge on the fourth day of detention. She had to report every week to the NIA for about a month. Amie Bensouda was trying to obtain previous court judgements within the last five years on land matters for a project supported by the World Bank called Land Governance Assessment Framework.[112]

In November 2012, Amie Bensouda represented and won the case of women's rights activists, **Dr Isatou Touray** and **Amie Bojang-Sissoho**, of the Gambia Committee on Traditional Practices Affecting the Health of Women and Children (GAMCOTRAP). The two women had been arrested in October 2010 and

[108] Amnesty International, *'My life is in constant danger' – campaigning on human rights in the Gambia*, 22 July 2014, https://www.amnesty.org/en/latest/campaigns/2014/07/my-life-is-in-constant-danger-campaigning-on-human-rights-in-the-gambia/ (accessed 27 April 2016).
[109] France 24, "Gambian woman forced into exile for posting video of police brutality", 30 March 2015, available at http://observers.france24.com/en/20150330-gambia-video-police-violence-minah-manneh (accessed 27 April 2016); Amnesty International interview, May 2016. See further Section 2 for more information on Gambia's repressive laws on freedom of expression.
[110] Amnesty International, *Gambia: Human rights defender facing possibility of jail*, 19 December 2014 (Index: AFR 27/017/2014), available at https://www.amnesty.org/en/documents/afr27/017/2014/en/ (accessed 22 May 2016).
[111] Daily Observer,"Sait Matty Jaw acquitted, discharged on all counts – State applies to appeal court verdict", 30 April 2015 available at http://observer.gm/sait-matty-jaw-acquitted-discharged-on-all-counts-state-applies-to-appeal-court-verdict/ (accessed 22 May 2016).
[112] Article 19, Commonwealth Human Rights Initiative and Amnesty International, *The Gambia: Government must stop intimidation and harassment of human rights defenders, journalists, lawyers and government critics*, 12 December 2012 (Index: AFR 27/015/2012) (A19, CHRI, AI, *The Gambia: Government must stop intimidation and harassment of human rights defenders, journalists, lawyers and government critics*) available at https://www.amnesty.org/en/documents/afr27/015/2012/en/ (accessed 26 April 2016).

charged with theft. Their case generated significant international concern.[113] They were discharged and acquitted in November 2012. GAMCOTRAP activists have been targeted because of their work in the past. They have been threatened and harassed on community and national radio.[114]

Abubacarr Saidykhan was arrested on 6 September 2012 alongside fellow journalist Baboucarr Ceesay after applying to the police for a permit to protest against the August 2012 executions. They were both charged with incitement of violence and conspiracy to commit a felony, while Baboucarr Ceesay was also charged with sedition. The two journalists were released on 10 September and the charges were eventually dropped allegedly on orders of the President.[115]

However, shortly after, the two journalists began receiving death threats. They received an email on 25 October which said: "*You choose to live or die… you… want to destroy the image of the APRC government and our affectionate President…I will come with my team of patriotic killers…*" Abubacarr Saidykhan went into hiding and fled the country but his brother, Ousman Saidykhan, was arrested on 8 December and questioned by the police about his brother's whereabouts. He was then released on bail on 10 December 2012 without charge.[116]

In at least one case from February 2016, the consequences of the detention can be fatal.

DEATH IN CUSTODY OF SHERIFF DIBBA, TRANSPORT ASSOCIATION LEADER

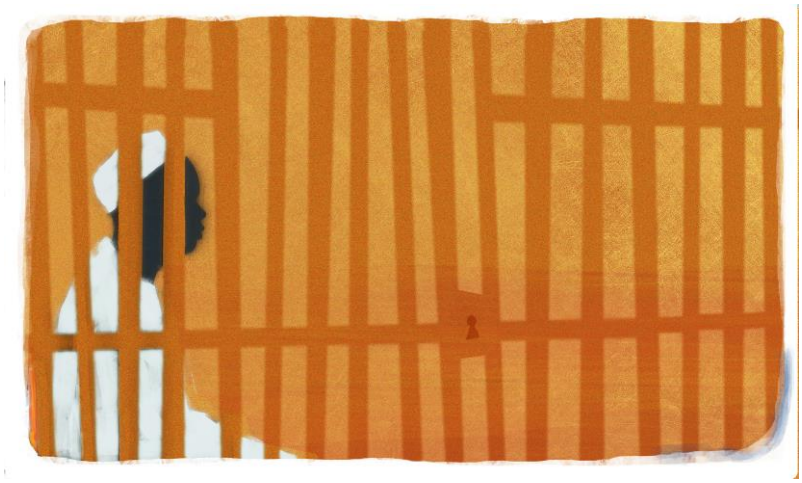
In February 2016, Sheriff Dibba and eight leaders of the Gambian National Transport Control Association (GNTCA) were arrested by the police. Sheriff Dibba fell ill whilst in police custody and later died on 21 February 2016 at a medical facility in Banjul where he was taken by relatives.[117] In their press statement, the International Transport Workers' Federation (ITF) said they understand that the members of the GNTCA were arrested and a Presidential order made to prohibit activities by the union after it submitted a legitimate claim to the authorities for a reduction in the price of fuel. The union had also been campaigning on this issue after the failure of negotiations with the Gambian authorities. The ITF has filed a case against the Gambian government at the International Labour Organization concerning Sheriff Dibba's death and the "punitive measures" taken against the GNTCA.[118] According to information received by Amnesty International, Sheriff Dibba did not receive prompt and adequate medical attention whilst in detention. To date, no inquiry has been set up by the government and the autopsy results have not been provided to the family.[119] The government has said in the media that Sheriff Dibba was in poor health and died from heart disease.[120] On 22 February, the remaining eight

[113] For example from the Women Human Rights Defenders' International Coalition (http://www.defendingwomen-defendingrights.org/about/the-whrd-movement/), Amnesty International, *Annual Report 2011: Gambia*, available at http://www.amnestyusa.org/research/reports/annual-report-gambia-2011 (accessed 22 May 2016).
[114] AI, *20 Years of Fear in Gambia,* available at https://www.amnesty.org/en/documents/afr27/008/2014/en/ (accessed 23 April 2016).
[115] A19, CHRI, AI, *The Gambia: Government must stop intimidation and harassment of human rights defenders, journalists, lawyers and government critics*, available at https://www.amnesty.org/en/documents/afr27/015/2012/en/ (accessed 26 April 2016).
[116] Amnesty International, *Gambian Journalists receive threats*, 16 November 2012 (Index: AFR 27/013/2012) available at https://www.amnesty.org/en/documents/afr27/013/2012/en/; A19, CHRI, AI, *The Gambia: Government must stop intimidation and harassment of human rights defenders, journalists, lawyers and government critics*, available at https://www.amnesty.org/en/documents/afr27/015/2012/en/ (accessed 27 April 2016).
[117] Amnesty International interviews, February-May 2016.
[118] Amnesty International interviews with International Transport Federation representatives. See also International Transport Federation, "ITF challenges Gambian President over death in custody", 26 February 2016, available at http://www.itfglobal.org/en/news-events/press-releases/2016/february/itf-challenges-gambian-president-over-death-in-custody/ (accessed 22 May 2016).
[119] Amnesty International interviews, February-May 2016.
[120] The Point, "Info Minister sets the record straight over death of GNTCA's Dibba", 15 March 2016 available at http://thepoint.gm/africa/gambia/article/info-minister-sets-the-record-straight-over-death-of-gntcas-dibba (accessed 22 May 2016).

union members were granted bail by the Banjul Magistrates' Court. They were still on trial at the date of this report, charged with a single count under the Economic Crimes (Specified Offences Act) Laws of the Gambia.[121]

RELIGIOUS LEADERS

Religious leaders have also been subject to arbitrary arrest, detention and enforced disappearance for challenging, or perceiving to challenge, the government.



Imam Alhagi Ousman Sawaneh, *Imam of Kanifing South, was arrested over a petition he and two others addressed to the President in August 2015. He has been held in incommunicado detention since October 2015. ©Amnesty International*

[121] Amnesty International interviews, March-April 2016; See also Daily Observer, "*Banned GNTCA executive members granted high court bail"*, 23 February 2016 available at http://matters3935.rssing.com/browser.php?indx=59242250&item=37 *(accessed 26 May 2016);* Foroyaa, "Sheriff Dibba (GNTCA Secretary) passes away", 24 February 2016 available at http://www.foroyaa.gm/archives/9483 (accessed 22 May 2016).

ENFORCED DISAPPEARANCE OF THREE IMAMS

On 18 October 2015, the Imam of Kanifing South, 64-year-old **Alhagi Ousman Sawaneh**, was arrested by men in civilian clothes while clearing grass in Kanifing cemetery. Sources told Amnesty International that he was arrested over a petition he and two others addressed to the President in August 2015, pleading for the release of Haruna Gassama, the elected President of the Rice Farmers' Cooperative Society who was then in NIA custody for six months without charge.[122]

Imam Sawaneh's family traced him to the NIA headquarters in Banjul, where his lawyer was able to briefly see him on 19 October. NIA agents told his lawyer that he was transferred to Janjanbureh prison in the Central River Region on 21 October 2015. However, when family members went to Janjanbureh prison they were told he was not there. Neither his family nor his lawyer has seen him since then.

A writ of habeas corpus[123] was filed by his lawyer at the High Court in Banjul against the NIA and Attorney General and on 21 March 2016 the court ordered for Imam Sawaneh's release either conditionally or unconditionally. However, despite family members attending court with the necessary documents for bail, Imam Sawaneh has still not been produced in court. Amnesty International considers Imam Sawaneh to be a prisoner of conscience.

Two other Imams were arrested in October and November 2015, believed to be in relation to the same incident.[124]

The Imam of a mosque in Jabang Borehole, **Sheikh Omar Colley**, has not been seen since 15 October 2015 when he went to Old Yundum police station following a call he received to report there by someone purporting to be from Bansang police station. His family have not been able to contact him. They believe he was initially detained at the NIA headquarters in Banjul and then transferred to Janjanbureh prison, but the authorities have not confirmed his whereabouts.

On 2 November 2015, **Imam Gassama** was arrested at his home by one man in plain clothes accompanied by a police officer in uniform from Brikama police station. Imam Gassama has not been seen since then although his family believe he is detained at Janjanbureh prison.[125]

All three Imams have been held in incommunicado detention, without access to their families or lawyers, and have not been charged despite Gambia's constitutional provision that no one should be detained for more than 72 hours without charge. Under international law, they are considered to have been subject to enforced disappearance as they were detained by state authorities who have refused to acknowledge their whereabouts.

Even more minor forms of dissent can lead to repercussions for religious leaders. For example, choosing to celebrate Eid al-Fitr on a day other than that decreed by the President led to Imams Sheikh Muhideen Hydara and Buyeh Touray, from Foni Kansala district, West Coast region, being arrested in August 2014.

[122] Amnesty International interviews, early 2016. Names withheld to protect identity of sources.
[123] An order filed in court requesting an institution to produce a person who has been detained to the court. It is often used to challenge illegal detentions
[124] Amnesty International interviews, early 2016.
[125] Amnesty International interviews conducted in early 2016. See also Foroyaa, "Detention without trial, disappearance without trace still prevail in Gambia", 11 April 2016, available at http://www.foroyaa.gm/archives/10022 (accessed 28 April 2016).

Initially charged with jointly conspiring to commit a felony and disobedience to lawful order, they were eventually acquitted on 27 May 2015 by the Brikama Magistrates' Court after a nine-month trial.[126]

Other public acts of dissent, including voicing opposition to the execution of nine death row inmates in 2012, have been even more severely punished.

ENFORCED DISAPPEARENCE AND TORTURE OF IMAM BABA LEIGH

Muslim cleric and human rights defender, Imam Baba Leigh, was subjected to enforced disappearance and torture. Imam Baba Leigh publicly condemned the government's execution of nine death row inmates in August 2012. He was arrested on 3 December 2012 by two NIA officers. He told Amnesty International that he was taken to NIA headquarters for questioning and was severely tortured on repeated occasions before being transferred 10 days later to Old Jeshwang Prison Yard close to Kaninfing, near Banjul. He said he was beaten for several hours over ten days, including with batons, cables and whips.

On the ninth day of detention, NIA agents took him out of his cell, threw him in a hole in the ground with his hands and feet tied and poured sand up to his chest pretending to bury him alive. On the 10th day of detention, he was stripped naked and dragged by his feet and his arms across the compound, which led to reopening of the wounds inflicted during the beatings. He told Amnesty International that all the torture sessions were recorded on tape. Imam Baba Leigh was detained incommunicado for five months and was not allowed contact with a lawyer or his family. He was never charged with any offence, nor brought before a court. He was released following a Presidential pardon in May 2013. There was no investigation in his enforced disappearance and torture and suspected perpetrators have yet to be brought to justice.[127] Imam Baba Leigh currently lives in exile.

[126] Amnesty International interview with legal expert in early 2016. See also Foroyaa, "Court acquits and discharges Caliph General & Co", 29 May 2015, available at http://www.foroyaa.gm/archives/5375 (accessed 22 May 2016).
[127] Amnesty International interviews with Imam Baba Leigh, 2013-2106. AI, *20 Years of Fear in Gambia,* available at https://www.amnesty.org/en/documents/afr27/008/2014/en/ (accessed 28 April 2016); Amnesty International, "Activist freed – journalist still missing in The Gambia", 14 May 2013 available at https://www.amnesty.org/en/latest/news/2013/05/activist-freed-journalist-still-missing-gambia/ (accessed 22 May 2016).

5. CLIMATE OF FEAR

> **"You don't know who is going to report you. You don't know who is behind you. You don't know who is paid by the NIA to be an informant."**
>
> Journalist in exile[128]

ARBITRARY ARRESTS, DETENTION AND TORTURE

Systematic human rights violations over the past two decades, including those targeted against opposition members, journalists, human rights defenders and civil society organizations documented in this report, have resulted in a widespread climate of fear. The main manifestation of this climate is self-censorship, and the majority of the people Amnesty International spoke to were afraid to openly express critical views against the government or even openly speak about politics.

This climate of fear is underpinned by the practice of arbitrary arrests and detention, torture and other ill-treatment of those who do speak out, as well as a culture of impunity for those responsible. People cannot depend on State institutions to defend their rights, whether those enshrined in Gambia's Constitution or in the country's obligations under international law, against abuses of power. The UN Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, in his March 2015 report, highlighted the lack of investigation by the police and the practice of arbitrary arrests:

"The 'reasonable suspicion' standard is seldom if ever examined to determine whether reasonable grounds existed, and the evidence obtained pursuant to an otherwise illegal arrest is challenged even less frequently. As a result, police arrest to investigate, rather than investigate to arrest".[129]

The UN Special Rapporteur also highlighted the extent to which torture is used during interrogations. "*The practice of torture is prevalent and routine, in particular by the NIA during the initial stages of detention. The Government has not fulfilled its obligation to investigate, prosecute and punish every incident of torture and ill-treatment or its obligation to prevent such occurrences."*[130]

The May 2015 report by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions noted how "*routine arrests, enforced disappearances and extrajudicial executions carried out against anyone considered to be critical of or threatening to the regime*" was regularly used to "*actively repress any sign of discontent, terrorizing civil society and instilling a climate of fear and mistrust via routine* **arrests, enforced**

[128] Amnesty International interview, March 2016. Name withheld to protect identity.
[129] Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Mission to Gambia, 16 March 2015, A/HRC/28/68/Add.4, para. 19 available at http://ap.ohchr.org/documents/dpage_e.aspx?m=103 (accessed 22 May 2016).
[130] Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Mission to Gambia, 16 March 2015, A/HRC/28/68/Add.4, para. 98, available at http://ap.ohchr.org/documents/dpage_e.aspx?m=103 (accessed 22 May 2016).

disappearances and extrajudicial executions carried out against anyone considered to be critical of or threatening to the regime".[131]

DOZENS OF PEOPLE DETAINED INCOMMUNICADO FOR MORE THAN SIX MONTHS

In January 2015, dozens of friends and relatives of people accused of involvement in an attempted coup in December 2014 were detained incommunicado for more than six months. The authorities refused to acknowledge their detention or to provide information on their whereabouts. Those detained included women, elderly people and a child. They were released in July 2015 without charge. Some of those detained were tortured at the NIA headquarters, including with beatings, electric shocks, waterboarding or being detained in confined holes in the ground.[132]

If a case comes to court, there is no guarantee that the trial will be fair. The lack of independence of the judiciary has previously been highlighted by Amnesty International and the International Bar Association,[133] while the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has also noted "*the lack of judicial activism and independence resulting from Executive interference which undermines the court's role to ensure accountability.*"[134] The government interferes with the independence of the judiciary, including by removing and appointing judges and senior staff in the judiciary without consultation with the Judicial Service Commission[135.]

While a fair trial is not guaranteed for critics of the government, nor is accountability likely for those who perpetrate human rights violations. In his report, the UN Special Rapporteur on extrajudicial executions made reference to a culture of impunity, particularly amongst the NIA:

"The legal gap governing their conduct and, equally, sanctioning their abuses, and the public perception that the institution operates behind a veil of impunity and that, ultimately, it has the power to exercise unrestrained control over the lives of Gambian citizens, makes the lodging of complaints of misconduct by its agents all the more implausible. Citizens are reluctant to denounce abuses, engage legal services or seek redress, even for the most serious violations, including disappearances, torture or probable executions."[136]

Accountability is further limited through legislation which supports a culture of impunity. In April 2001, the National Assembly passed the Indemnity Amendment Act which gave the President power to indemnify any person against prosecution for any act committed to quell an unlawful assembly or other emergency situation, reducing the ability of victims of human rights violations to seek redress.[137]

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[131] Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Mission to Gambia, A/HRC/29/37/Add.2, 11 May 2015, para. 35, available at http://www.ohchr.org/EN/Issues/Executions/Pages/CountryVisits.aspx http://www.foroyaa.gm/archives/8505 (accessed 3 May 2016).

[132] Amnesty International, *Gambia: Charge or release family members of alleged failed coup plotters*, 20 January 2015 available at https://www.amnesty.org/en/latest/news/2015/01/gambia-charge-or-release-family-members-alleged-failed-coup-plotters/ (accessed 28 May 2016); Amnesty International, *Annual Report 2014/ 2015*, available at https://www.amnesty.org/en/latest/research/2015/02/annual-report-201415/ (accessed 13 May 2016).

[133] AI, *Gambia: Fear Rules*, available at https://www.amnesty.org/en/documents/afr27/003/2008/en/ (accessed 13 May 2016) and Human Rights Institute of the International Bar Association, *Under Pressure: Report on the Rule of Law in Gambia*, 21 August 2006 available at http://www.ibanet.org/Article/Detail.aspx?ArticleUid=EBB9E011-5672-4106-B4B9-00BD5E377694 (accessed 12 May 2016).

[134] Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Mission to Gambia, A/HRC/29/37/Add.2, 11 May 2015, para. 57, available at http://www.ohchr.org/EN/Issues/Executions/Pages/CountryVisits.aspx http://www.foroyaa.gm/archives/8505 (accessed 3 May 2016).

[135] Section 138 of the Gambian Constitution 1997 states that all superior court judges shall be appointed by the President on the recommendation of the Judicial Service Commission and Section 141 sets out safeguards for judicial independence in the removal process. See further, Amnesty International, *Gambia: Deteriorating human rights situation: Amnesty International Submission to UN Universal Periodic Review, October- November 2014* (Index: AFR 27/006/2014), 1 June 2014, available at https://www.amnesty.org/en/documents/AFR27/006/2014/en/ (accessed 22 May 2016).

[136] Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions: Mission to Gambia, A/HRC/29/37/Add.2, 11 May 2015, para. 71, available at http://www.ohchr.org/EN/Issues/Executions/Pages/CountryVisits.aspx http://www.foroyaa.gm/archives/8505 (accessed 3 May 2016).

[137] AI, *20 Years of Fear in Gambia,* available at https://www.amnesty.org/en/documents/afr27/008/2014/en/ (accessed 19 April 2016).

ARBITRARY ARRESTS OF GOVERNMENT MINISTERS AND CIVIL SERVANTS

"People are even scared to work for the government, let alone stand in the election... They may have dreams to be diplomats – but arrests and constant dismissals make them afraid." Civil society activist.[138]

Even members of the government and civil service are not free from the systematic practice of arbitrary arrests and detention and repression of perceived dissent. In August 2014, the government passed the Criminal Code (amendment) Act which introduces the charge "absconding state officials", which could be used to target individuals who express dissent and flee the country. It is punishable by up to 500,000 Dalasi (approximately US$12,700) and five years in prison.[139]

Several individuals, including high-profile ministers, have been targeted and arrested due to being perceived to disagree with the President or policies of the government, or speaking to opposition media. Many have been detained for longer than the legally allowed period without being brought before a court.

ARRESTS OF GOVERNMENT MINISTERS AND CIVIL SERVANTS

Ousman Jammeh, the former Deputy Minister of Agriculture, has been held without charge in incommunicado detention since 15 October 2015 when he was also removed from his post. According to information obtained by Amnesty International, he was detained at the NIA headquarters for several days before being transferred to Mile 2 prison. His family are unable to have access to him at the prison[140] and there has been no public comment from the authorities on the reason for his arrest.

On 31 October 2012, former government minister Mambury Njie was arrested and detained by NIA agents. It was reported in the media that he had opposed the orders to execute death row inmates while serving as Minister of Foreign Affairs in August 2012. He was detained for one night before being transferred to police custody. His detention exceeded the maximum 72 hours and his family were not informed of the reason for arrest. He was released on bail four days later. On 14 December 2012, after reporting to the police in line with his bail conditions, he was taken to court and charged with economic crimes and abuse of office, before being remanded in custody at Mile 2 prison. He was finally discharged and acquitted on 3 July 2014 by the Special Criminal Division of the High Court in Banjul.[141] On 9 October 2014, he was arrested again by NIA agents and detained at the NIA headquarters in Banjul before being transferred to SK Hospital on 28 November 2014 for treatment. He remained under detention in hospital until being pardoned in July 2015 during a mass pardon of prisoners by President Jammeh.[142]

On 9 July 2015, Mama Harr Ceesay, a civil servant at the Gambia Revenue Authority, received a call from the USA asking her questions about tax payments. She did not realize it was the editor of *Freedom Online* newspaper who was broadcasting her interview. On 10 July she was detained by agents of the NIA for 11 days before being released on 21 July 2015 without charge.[143]

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[138] Name withheld to protect her identity.
[139] Amnesty International, *Gambia: Deteriorating human rights situation: Amnesty International Submission to UN Universal Periodic Review, October-November 2014* (Index: AFR 27/006/2014), 1 June 2014, available at https://www.amnesty.org/en/documents/AFR27/006/2014/en/ (accessed 22 May 2016).
[140] Amnesty International interviews, early 2016. Identity of sources withheld for their protection. See also Foroyaa, "Detention without trial, disappearance without trace still prevail in Gambia", 11 April 2016 available at http://www.foroyaa.gm/archives/10022 (accessed 22 May 2016).
[141] The Point, "High Court acquits Mambury Njie", 4 July 2014 available at http://thepoint.gm/africa/gambia/article/high-court-acquits-mambury-njie (accessed 25 May 2016).
[142] A19, CHRI and AI, *The Gambia: Government must stop intimidation and harassment of human rights defenders, journalists, lawyers and government critics*, available at https://www.amnesty.org/en/documents/afr27/015/2012/en/ (accessed 26 April 2016); Foroyaa, "Family of Mambury Njie appeals for his release after 272 days in detention", 21 July 2015 available at http://www.foroyaa.gm/archives/6242 (accessed 22 May 2016); Daily Observer, "Presidential pardon is unconditional – VP tells ex-convicts", 31 July 205 available at http://observer.gm/presidential-pardon-is-unconditional-vp-tells-ex-convicts/ (accessed 22 May 2016).
[143] Amnesty International interviews, July 2015; Foroyaa, "GRA staff arrested, detained at NIA", 14 July 2015 available at http://www.foroyaa.gm/archives/6159 (accessed 22 May 2016).

Momodou Sowe, a Protocol Officer at State House, was released on bail on 21 January 2015 after more than two years in detention without charge after a Habeas Corpus application was filed by his lawyer. He was suspected of being an informant for *Freedom Online* newspaper.[144]

SURVEILLANCE

"This is having a chilling effect on our democracy. Even Facebook asks you 'what is on your mind?' But we cannot share what is on our mind." Journalist in exile.[145]

The widespread practice and perception of unlawful surveillance by the NIA and police contributes to self-censorship and fear. Several of the people interviewed for this report believe and fear that they are under surveillance or at risk of surveillance, either through phones being tapped, their emails intercepted or hacked, social media activity monitored or through a system of informants.

Gambia's full surveillance capabilities and practices are unclear. However, this fear of surveillance has an understandable basis from past activity and current practices[146]. In addition, the country's legal framework on surveillance conflicts with its obligations under international and regional human rights law to uphold freedom of expression and the right to privacy[147].

In recent years, the government started to require registration of SIM cards and local domain names which prevents anonymous communications. [148] In 2009, Gambia passed the Information and Communications Act which gives broad powers to national security agencies to "monitor, intercept and store communications", failing to give an indication of when such powers should be used, while also giving the regulator the authority to "intrude communication for surveillance purposes," without requiring any judicial authorisation or oversight.[149] In order to meet international legal requirements, communications surveillance must be based on a targeted warrant authorized by an independent judicial authority capable of making an individualized assessment of the necessity and proportionality of the proposed surveillance measure.[150]

Amnesty International has obtained information from insider sources at the NIA and telecommunications companies that NIA agents and police regularly obtain printouts of phone records from telecommunications companies of people whom they are interested in, without legal documentation or in some instances without any written request at all. According to those interviewed, telecommunications companies complied with the requests because they are keen to maintain close relationships with government, or staff were scared they would be arrested or lose business if they did not.[151] Those interviewed explained that the printouts show the phone numbers of calls and texts sent and received by the person investigated, and have been used as

[144] Amnesty International interviews, July 2015. See also, Foroyaa, "Momodou Sowe released on bail after 2 years in detention without trial", 22 January 2015 available at http://www.foroyaa.gm/archives/3410 (accessed 22 May 2016), The Point, "Counsel urges court to declare detention of former protocol officer Sowe illegal", 23 January 2015 available at http://thepoint.gm/africa/gambia/article/counsel-urges-court-to-declare-detention-of-former-protocol-officer-sowe-illegal (accessed 22 May 2016).
[145] Amnesty International interview, March 2016. Name withheld to protect his identity.
[146] For example, in 2006, the *Freedom Online* newspaper was hacked and a list of all its subscribers published, described as "informants" and ordered to come into the NIA for questioning. See further, AI, *Gambia: Fear Rules*, available at https://www.amnesty.org/en/documents/afr27/003/2008/en/ (accessed 13 May 2016).
[147] See further Annex 2: Legal Obligations for an overview of international legal standards.
[148] "SIM registration," Public Utilities Regulatory Agency (PURA) available at http://www.pura.gm/index.php?option=com_content&view=article&id=127&Itemid=131 (accessed 2 May 2016). This is managed by the regulatory authority, see Section 9 of the Information and Communications Act 2009 available at http://www.wipo.int/edocs/lexdocs/laws/en/gm/gm006en.pdf (accessed 2 May 2016).
[149] Section 138 (1), Information and Communications Act 2009 available at http://www.wipo.int/edocs/lexdocs/laws/en/gm/gm006en.pdf (accessed 2 May 2016).
[150] See further Annex 2: Legal Obligations for an overview of international legal standards.
[151] Amnesty International interviews, January 2015-May 2016.

evidence in trials against government critics[152] and to identify and arrest contacts of the person under investigation.[153]

The widespread practice and perception of unlawful surveillance by the NIA and police contributes to self-censorship and fear. ©Amnesty International

The lack of legal safeguards regarding surveillance mean that such records can be obtained regardless of whether there exists any reasonable suspicion of criminal wrongdoing. Further, the existence of reasonable suspicion of criminal wrongdoing would not be an adequate safeguard since many crimes under national law, as evidenced by this report, violate international law.

Amnesty International has also documented how the NIA and police often require people who are arrested to provide passwords to their email, social media accounts and phones, often under threat of or through torture or ill-treatment. This was the case in many of the cases already outlined in the report, such as the cases of journalists Fatou Camara, Abdoulaie John and Alhagie Jobe.[154] Additional examples include a man arrested on suspicion of being gay in November 2014 who was told to provide passwords to his email and social media accounts by the NIA after being beaten. He told Amnesty International, "*I was forced to remove my clothes and lie down on a table. I was beaten with a car fan belt from 2am to 4am. Later on I was forced to sign a statement. They used some information from my Facebook account to make the statement.*"[155]

Mobile phone technologies such as WhatsApp and Viber – which was temporarily blocked from March to July 2014[156] – are perceived by some to allow greater space to avoid surveillance than traditional voice or SMS communications, although access for the vast majority of Gambians is limited.[157] However, even the most secure communications can be compromised if a user's device is compromised or accessed. In January 2016 a woman was questioned for several hours by the NIA over messages perceived as critical to the government, which were shared in a WhatsApp group,[158] while the arrest of journalist Alagie Ceesay was due to a photo he shared on WhatsApp that was passed to the NIA.[159]

[152] For example, legal experts interviewed mentioned that phone records were produced as evidence in the treason trial of General Lang Tombong Tamba and seven others in 2010 and that three telecommunications companies were called on to give evidence. They were reported in the media as saying that they produce printouts whenever requested by the investigating authorities. The Point, "In treason trial, lead investigator, GSM officials testify", 29 April 2010 available at http://thepoint.gm/africa/gambia/article/in-treason-trial-lead-investigator-gsm-officials-testify (accessed 2 May 2016). See further, Freedom House, *Freedom on the net 2014: The Gambia*, available at https://freedomhouse.org/report/freedom-net/2014/gambia (accessed 2 May 2016).
[153] Amnesty International interview, early 2015.
[154] For further information, see Section Two.
[155] Amnesty International interview March 2015.
[156] Freedom House, *Freedom on the net 2015: The Gambia*, available at https://freedomhouse.org/report/freedom-net/2015/gambia (accessed 3 May 2016); Index on Censorship, "Gambia: Government suspected of blocking Viber", 26 March 2014, available at https://www.indexoncensorship.org/2014/03/gambia-internet-cuts-social-media/ (accessed 22 May 2016).
[157] In 2013, 1.2% of the population had access to mobile broadband and 16% had internet access. International Telecommunication Union, "Gambia Profile (Latest data available: 2013)," available at http://bit.ly/1FZxVAZ (accessed 13 May 2016). See also Freedom House, *Freedom on the net 2015: The Gambia*, available at https://freedomhouse.org/report/freedom-net/2015/gambia (accessed 3 May 2016).
[158] Amnesty International interviews, early 2016.
[159] For more details on the case of Alagie Ceesay, see Section Two above.

Self-censorship extends to social media, where a fear of speaking about politics is reinforced by repressive legislation and government heavy-handedness.[160] In addition to the case of **Minah Manneh**, highlighted earlier, who was arrested in March 2015 for sharing a video on Facebook[161], **Lamin Camara**, the principal of a school in Central River Region, was arrested on 18 December 2015 for sending a photo alleging police corruption to a friend in the USA (a UDP member) who published it on social media. He was detained at Bansang Police Station until 24 December and then taken to Janjanbureh prison. On 28 December he was charged with broadcasting without a licence and false publication. On 4 January 2016, another charge, libel, was added and he was later released on bail. He later fled the country and the people who stood bail for him were arrested and detained but later released.[162]

The majority of the people interviewed told Amnesty International that they also feared physical surveillance and that they believed the NIA utilized a system of informants, from taxi drivers to cleaning staff. This practice was confirmed by a former NIA official who told Amnesty International that physical surveillance did happen and that opposition leaders, journalists and embassies were monitored at times.[163]

Due to this fear of surveillance one civil society activist described how, "*You don't feel safe anywhere, even in your home. You don't trust even your maids or drivers. You can pay someone US$10 and they will give information. In public spaces you don't speak about sensitive things or in public transport. You are trying to protect yourself and your family and want to keep safe."*

[160] See further Section Two which outlines repressive legislations recently introduced such as amendments in 2013 to the Information and Communications Act that threatens penalties of up to 15 years in prison, fines of up to 3 million Dalasi (approximately US$70,030) or both, for using the internet to criticize, impersonate, or spread false news about public officials.
[161] See above Section Four.
[162] Amnesty International interviews, early 2016. See also Foroyaa, "School principal denies sending any written publication as he cross examines police investigator", 6 January 2016, available at http://www.foroyaa.gm/archives/8810 (accessed 3 May 2016).
[163] Amnesty International interview January 2015.

6. FAILURE TO MEET INTERNATIONAL AND REGIONAL HUMAN RIGHTS OBLIGATIONS

> **"Ban Ki Moon and Amnesty International can go to hell … What is the problem? People die in custody or during interrogations, it's really common. This time, there is only one dead and they want investigations? I will not. No-one can tell me what to do in my country."**
>
> President Yayah Jammeh speaking to *Jeune Afrique*, published 29 May 2016[164]

Gambia continues to display disregard for international and regional human rights obligations and the bodies and mechanisms mandated to monitor compliance with them.

ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

As a member state of ECOWAS, Gambia has a number of key obligations and commitments to respect, protect, promote and ensure the right to freedom of expression, peaceful assembly and other human rights, in particular as a state party to the Protocol on Democracy and Good Governance. Unfortunately, Gambia's compliance with ECOWAS rules has been very poor. In 2011, the ECOWAS Commission took the view that *"the conditions prevailing in the country do not meet the minimum standards set under the Protocol on Democracy and Good Governance for the conduct of elections…"*[165] and thus decided not to send election observers to the country.

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[164] Jeune Afrique, Yahya Jammeh à J.A. : « Je ne suis qu'un dictateur du développement », 29 May 2016, available at http://www.jeuneafrique.com/328988/politique/yahya-jammeh-a-j-a-ne-suis-quun-dictateur-developpement/ (accessed 30 May 2016).
[165] ECOWAS Press Release, *ECOWAS Statement on the 24 November 2011 presidential election in The Gambia*, 22 November 2011 available at http://news.ecowas.int/presseshow.php?nb=234&lang=en&annee=2011 (accessed 13 May 2016).

Further, Gambia has refused to implement three legally binding judgements by the ECOWAS Community Court of Justice, which were also the subject of a recommendation during Gambia's last UPR[166].

Deyda Hydara, editor of The Point newspaper and President of the Gambia Press Union, was shot and killed in his car while travelling home from work. The murder came three days after the controversial legislation increasing the registration fees for media had been passed, which Deyda Hydara had opposed. ©Amnesty International

GAMBIA'S PERSISTENT FAILURE TO IMPLEMENT ECOWAS COURT JUDGEMENTS

On 16 December 2004, **Deyda Hydara**, editor of *The Point* newspaper and president of the Gambia Press Union, was shot and killed in his car while travelling home from work. Two of his colleagues were also in the car and were shot in their legs and critically injured. The murder came on the anniversary of the establishment of *The Point*, and three days after the controversial legislation increasing the registration fees for media had been passed, which Deyda Hydara had opposed. No one has been brought to justice for his killing. On 10 June 2014, the ECOWAS Community Court of Justice delivered a judgement against the Gambian Government for its failure to conduct a diligent investigation into the killing of Deyda Hydara. The Court ordered the government to pay US$50,000 damages to the family of the journalist, which has not been carried out.[167]

Journalist **Musa Saidykhan**, editor-in-chief of *The Independent*, a Banjul-based newspaper, was tortured after state security agents raided the newspaper offices in March 2006, shut it down and imprisoned its staff. Upon his release, he fled Gambia. In December 2010, the ECOWAS Community Court of Justice found that he "was arrested, detained and tortured by the [Gambian] agents for 22 days, without any lawful excuse and without trial" and ordered the Gambian government to pay Musa Saidykhan US$200,000 in compensation. Gambia has failed to implement the Court's judgement.[168]

Chief Ebrima Manneh, a reporter with the Gambian newspaper *Daily Observer*, based in Banjul, was arrested by government agents on 11 July 2006. He has not been seen since. His whereabouts are still unknown. Ebrima Manneh was never charged with any offence and the government denies having him in their custody. He is still listed on the Interpol website as a missing person. In 2008 the ECOWAS Community Court of Justice ordered the Gambian government to release him from unlawful detention and pay him US$100,000 compensation. The judgement is yet to be enforced. Amnesty International considers Ebrima Manneh a prisoner of conscience.[169]

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[166] Gambia rejected a recommendation made during its last UPR to demonstrate its commitment to freedom of expression by allowing the UN unfettered access to complete its investigation of the death of journalist Deyda Hydara in 2004 and the disappearance of journalist Ebrima Manneh in 2006 (Recommended by the United States of America). See further, Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Gambia*, 24 December 2014, A/HRC/28/6 available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/GMSession20.aspx (accessed 11 May 2016) and Human Rights Council, *Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 24 March 2015, A/HRC/28/6/Add.1 available at http://www.ohchr.org/EN/HRBodies/UPR/Pages/GMSession20.aspx (accessed 11 May 2016)

[167] *Deyda Hydara v Republic of The Gambia*, Case No. ECW/CCJ/APP/30/11 (10 June 2014).

[168] *Musa Saidykhan v Republic of The Gambia*, Case No. ECW/CCJ/APP/11/07 (16 December 2010).

[169] *Chief Ebrima Manneh v Republic of The Gambia*, Case No. ECW/CCJ/JUD/03/08 (5 June 2008).

Gambia has failed to implement the ECOWAS Court's judgement ordering the Gambian government to pay journalist Musa Saidykhan US$200,000 in compensation for the unlawful arrest, detention and the torture he was subjected to. ©Amnesty International

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR)

Despite hosting the ACHPR, Gambia has 11 overdue periodic reports on the state of human rights in the country as required under the African Charter on Human and Peoples' Rights.[170] It has only accepted one visit by a special mechanism, the Special Rapporteur on prisons, conditions of detention and policing in Africa, in 1999. Gambia has also ignored key ACHPR resolutions and decisions.

GAMBIA'S NON-COMPLIANCE WITH ACHPR RESOLUTIONS AND DECISIONS

In February 2015, the ACHPR issued **Resolution 299** calling on Gambia to invite the Commission to conduct a fact-finding mission following an attempted coup on 30 December 2014. It requested Gambia to ensure due process for any suspects detained in relation to the coup and to ratify the African Charter on Democracy, Elections and Governance.[171] However, no request was extended to the ACHPR and no thorough and impartial investigation took place. A court martial was instead set up to try six soldiers allegedly involved in the coup. On 30 March 2015, three were sentenced to death and three were sentenced to life imprisonment. Amnesty International raised concerns as the trial was held in secret and the media and independent observers barred from observing the proceedings as well as condemning the use of the death penalty.[172] Further, dozens of friends and relatives of people accused of involvement in the 2014 attempted coup were detained incommunicado for six months.[173] Gambia has not ratified the African Charter on Democracy, Elections and Governance.

In October 2009, the ACHPR passed **Resolution 145** expressing concerns about threats issued by President Jammeh against human rights defenders and asking the Gambian government to withdraw them and guarantee respect for the human rights of human rights defenders and other members of civil society in Gambia.[174] The Gambian authorities have consistently failed to implement this resolution as evidenced by continuing targeting of human rights defenders and other members of civil society.

In November 2008, the ACHPR passed **Resolution 134** calling on Gambia to implement the ECOWAS Community Court of Justice judgement in respect of the release of Chief Ebrima Manneh, to investigate all allegations of acts of torture in detention and extrajudicial executions, to provide organizations, families and friends of persons in detention, access to detainees and to bring to an immediate end the harassment and

[170] Article 62 of the African Charter on Human and Peoples' Rights.
[171] ACHPR, 299: Resolution on the human rights situation in the Republic of The Gambia – ACHPR/Res.299 (EXT.OS/XVII) 20, 28 February 2015, available at http://www.achpr.org/sessions/17th-eo/resolutions/299/ (accessed 22 May 2016).
[172] Amnesty International, "Gambia: Soldiers sentenced to death in secret trial must not be executed", 1 April 2015 available at https://www.amnesty.org/en/latest/news/2015/04/gambia-soldiers-sentenced-to-death-in-secret-trial-must-not-be-executed/ (accessed 22 May 2016).
[173] Amnesty International, *Annual Report 2015/16: Gambia*, available at https://www.amnesty.org/en/countries/africa/gambia/report-gambia/ (accessed 22 May 2016).
[174] ACHPR, 145: Resolution on the deteriorating human rights situation in the Republic of Gambia, 11 October 2009 available at http://www.achpr.org/sessions/7th-eo/resolutions/145/ (accessed 22 May 2016).

intimidation of independent media institutions and respect the rights of journalists and other human rights defenders.[175] As evidenced in this report, the government has failed to comply with these recommendations.

UNITED NATIONS HUMAN RIGHTS MECHANISMS

In April 2015, Gambia rejected 78 of the 171 recommendations at the UPR, including recommendations on ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, ratifying the Convention against Torture and abolishing the death penalty.[176] In 2015 alone, there were at least 13 communications filed to the special procedures of the Human Rights Council against Gambia. Gambia has outstanding reports under its treaty obligations to the International Covenant on Civil and Political Rights and Committee on the Elimination of Racial Discrimination.[177]

In November 2014, the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the UN Special Rapporteur on extrajudicial executions visited Gambia. During this mission the Special Rapporteurs were refused access to the Security Wing of Mile 2 prison in the capital Banjul, where death row prisoners are held. These restrictions were described as "unprecedented" since the establishment of the mandate of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment 30 years ago.[178]

REACTION FROM THE INTERNATIONAL COMMUNITY

Engagement by the international community to improve the respect for human rights in Gambia has long been mixed, although there has been a significant increase following the arrest of UDP protesters in April 2016. This led to declarations by ECOWAS, the ACHPR, the UN Secretary-General, the EU and the USA government[179]. The European Parliament passed its first resolution on Gambia on 12 May 2016 calling for the immediate release of all protesters arrested on 14 and 16 April. The Parliament also recommended that the EU and its member states should consider freezing all non-humanitarian assistance to the government of Gambia and imposing travel bans or other targeted sanctions on officials responsible for serious human rights abuses.[180]

The UN, AU and ECOWAS also undertook a mission to Banjul in May 2016 to assess compliance with regional and sub-regional standards on elections, democracy, human rights and governance in Gambia. They raised concerns at the arrests on 14 and 16 April, stressed Gambia's international and regional human rights obligations and called for an independent and credible investigation.[181]

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[175] ACHPR, 134: Resolution on the human rights situation in the Republic of The Gambia, 24 November 2008 available at http://www.achpr.org/sessions/44th/resolutions/134/ (accessed 22 May 2016).
[176] Amnesty International, "Gambia fails to heed UN warnings on deteriorating human rights", 25 March 2015, available at https://www.amnesty.org/en/latest/news/2015/03/gambia-fails-to-heed-un-warnings-on-deteriorating-human-rights/ (accessed 22 May 2016).
[177] Amnesty International interview with UN official, May 2016.
[178] Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment: Mission to Gambia, 16 March 2015, A/HRC/28/68/Add.4, para. 4 available at http://ap.ohchr.org/documents/dpage_e.aspx?m=103 (accessed 22 May 2016).
[179] UN News Centre, Ban calls for release of detained protesters after death of opposition members, 17 April 2016 available at http://www.un.org/apps/news/story.asp?NewsId=53702#.VzchJWdwXtQ; US Department of State, *United States Condemns The Gambia's Response to Peaceful Protests*, 17 April 2016 available at http://www.state.gov/r/pa/prs/ps/2016/04/255890.htm; European Union, Statement by the Spokesperson on recent violence in The Gambia, 17 April 2016 available at http://eeas.europa.eu/statements-eeas/2016/160417_02_en.htm; ACHPR, Press Statement of the African Commission on Human and Peoples' Rights on the events of 14 and 16 April 2016, in the Islamic Republic of The Gambia, 19 April 2016 available at http://www.achpr.org/press/2016/04/d298/; ECOWAS, ECOWAS Commission expresses concerns over the Political situation in the Islamic State of The Gambia, 20 April 2016 available at http://www.ecowas.int/ecowas-commission-expresses-concerns-over-the-political-situation-in-the-the-islamic-state-of-the-gambia/; OHCHR, Comment by the UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein on the situation in The Gambia, 17 April 2016 available at http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19830&LangID=E#sthash.mGumKlwJ.dpuf (accessed 16 May 2016).
[180] European Parliament resolution of 12 May 2016 on The Gambia (2016/2693(RSP) available at http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2016-0219+0+DOC+PDF+V0//EN (accessed 22 May 2016).
[181] Press Statement of ECOWAS-AU-UN Joint Mission to Banjul, 5 May 2016 available at http://reliefweb.int/report/gambia/ecowas-au-un-joint-mission-banjul-press-statement-5-may-2016 (accessed 12 May 2016).

In December 2014, the EU withdrew some development assistance to Gambia due to human rights concerns.[182] In June 2015, the EU's Chargée d'Affaires was expelled by Gambia.[183] In 2015, the USA government suspended Gambia from receiving preferential trade benefits under the African Growth and Opportunity Act[184] and has indicated that it is "*reviewing what additional actions are appropriate to respond to this worsening situation*" in response to reports of torture, disappearances, arbitrary detention and violations of LGBTI rights.[185]

Beyond declining to send an electoral observation mission in November 2011, there have been few formal measures taken by ECOWAS to ensure Gambia adheres to its obligations under ECOWAS treaties and protocols including the Protocol on Democracy and Good Governance nor to ensure that it complies with the judgements made by the ECOWAS Community Court of Justice.[186] Under the ECOWAS Protocol on Democracy and Good Governance, ECOWAS has several sanctions available to it where there is a massive violation of human rights, such as refusal to support the candidates presented by the member state concerned for elective posts in international organizations or suspension of the member state concerned from all ECOWAS decision-making bodies.[187] The ECOWAS treaty also provides that sanctions can be imposed where a member state fails to fulfil its obligations to the Community. These sanctions may include suspension of Community loans or voting rights.[188]

[182] EurActiv/ Reuters, EU cuts aid to Gambia over human rights concerns, 11 December 2014 available at https://www.euractiv.com/section/development-policy/news/eu-cuts-aid-to-gambia-over-human-rights-concerns/ (accessed 12 May 2016).
[183] Reuters, Gambia expels European Union's top diplomat; no reason stated, 6 June 2015 available at http://uk.reuters.com/article/uk-gambia-eu-expulsion-idUKKBN0OM01J20150606 (accessed 12 May 2016).
[184] US Department of State, *US Relations with The Gambia*, 17 June 2015, available at http://www.state.gov/r/pa/ei/bgn/5459.htm (accessed 12 May 2016).
[185] The White House, *Statement by National Security Advisor Susan E. Rice on LGBT Rights*, 16 May 2015 available at https://www.whitehouse.gov/the-press-office/2015/05/16/statement-national-security-advisor-susan-e-rice-lgbt-rights (accessed 12 May 2016).
[186] While Article 15(4) of the ECOWAS Treaty makes the Judgment of the Court binding on Member States, institutions of the Community and individuals and corporate bodies, Article 76 (2) provides for the finality of the decision of the Court. Also Article 19(2) of the 1991 Protocol provides that the decisions of the Court shall be final and immediately enforceable. The Court can also refuse to entertain any application brought by the offending Member State until such a State enforces its decision. The Authority of Heads of State and Government of ECOWAS can also impose economic and political sanctions under article 77(1) of ECOWAS Treaty for non-implementation of these judgements.
[187] ECOWAS Protocol on Democracy and Good Governance, Article 45 available at http://www2.ohchr.org/english/law/compilation_democracy/ecowasprot.htm (accessed 13 May 2016).
[188] ECOWAS Revised Treaty, Article 77 available at http://www.ecowas.int/wp-content/uploads/2015/01/Revised-treaty.pdf (accessed 13 May 2016).

7. CONCLUSION AND RECOMMENDATIONS

As a state party to multiple international human rights treaties, a member state of ECOWAS and the AU, and as host of the ACHPR, Gambia has clear obligations to respect, protect, promote and fulfil the human rights of its people and others resident within its territory. Obligations to respect rights such as the freedom of expression apply at all times, but are brought further into focus during electoral periods.

Numerous human rights violations were committed before the last Presidential elections in 2011, and in the following five years the introduction of repressive laws and use of abusive practices have closed space for free expression even further. This report shows that in Gambia any form of dissent, real or perceived, continues to pose great dangers for journalists, opposition leaders, human rights defenders, activists, civil society organizations, members of the general public and even government officials. The arrest of dozens of opposition members in April and May 2016, and at least one death in custody, gives real reasons to fear a further crackdown in 2016.

The consequences for Gambians, facing a choice between speaking out and being safe, are huge. Some face imprisonment, some self-censor, some choose to leave the country. Between 2012 and the beginning of 2014, the number of Gambians claiming asylum in Europe increased 371%, and ranked third in the list of nationalities claiming asylum in Italy at the end of 2015.[189]

The consequences for the regional and international community are also significant. A failure to ensure Gambia observes and complies with its international and regional obligations and commitments, including under the ECOWAS Protocol on Democracy and Good Governance or implementation of three outstanding judgements by the ECOWAS Community Court of Justice, calls into question the authority and credibility of these institutions. A failure to co-operate with the ACHPR, and implement its resolutions and decisions, or UN human rights mechanisms, sends further worrying signals to its partners across the continent and beyond.

Amnesty International calls on the government of Gambia to act with urgency to safeguard the human rights of all Gambians in the run-up to December's elections and far beyond. Amnesty International also calls on the international community to take concrete steps to ensure Gambia complies with its international and regional human rights obligations.

TO THE GOVERNMENT OF GAMBIA

FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

- Publicly commit to respect, protect and ensure that all Gambians, including journalists, opposition leaders, real or perceived government opponents, and human rights defenders, will be able to freely exercise their right to freedom of expression, association and peaceful assembly without fear

[189] African Arguments, *Between a rock and a hard place: Gambians tackle Fortress Europe*, 4 May 2016 available at http://africanarguments.org/2016/05/04/between-a-rock-and-a-hard-place-gambians-tackle-fortress-europe (accessed 22 May 2016). See Eurostat for source statistics available at http://ec.europa.eu/eurostat/data/database (accessed 22 May 2016).

of arrest, detention, intimidation or harassment at all times, including during the election period;

- Repeal and bring in conformity with constitutional and international and regional human rights obligations and commitments restrictive laws on freedom of expression, including the offences of sedition (section 52), criminal libel (section 178), "spreading false information" (sections 59 and 181A) in the Criminal Code and the amendment of the Information and Communication Act of 2013 that includes censorship of online expression (section 173A);
- Repeal and bring in conformity with constitutional and international and regional human rights obligations and commitments restrictive laws on freedom of assembly and association, including the offence of holding a procession without a permit under the Public Order Act (s 5(5)(a) and (b)) and the offence of unlawful assembly under the Criminal Code;
- Publicly instruct the police not to use excessive force, including tear gas and rubber bullets, to disperse peaceful gatherings, including where the police believe that the organizers have not complied with the Public Order Act's requirement to obtain a permit;
- Publicly instruct the Gambia Radio and Television Services to allow equal access to opposition and dissenting voices;
- Immediately lift any blocks on internet and online news sites;
- Reform the broad powers given to national security agencies to "monitor, intercept and store communications" under the Information and Communications Act 2009 and introduce necessary safeguards such as being subject to judicial oversight and the possibility to effectively challenge the lawfulness of these measures before a court; and generally uphold the rights to privacy and freedom of expression.

ARBITRARY ARREST AND DETENTION

- Immediately and unconditionally release all prisoners of conscience, such as **UDP leader Ousainou Darboe, all UDP members, protestors and bystanders arrested between April-May 2016, Amadou Sanneh, Alhagie Sambou Fatty, Malang Fatty, Imam Sawaneh and Chief Ebrima Manneh**;
- Immediately release all those currently detained unlawfully or charge them with a recognizable criminal offence in a fair trial and without recourse to the death penalty, including political prisoners and victims of enforced disappearance, such as **Imam Colley, Imam Gassama and former Deputy Minister of Agriculture, Ousmane Jammeh**. Grant them immediate access to a lawyer, their families and any needed medical attention;
- Immediately and publicly instruct the police, army and the NIA to end unlawful arrests and detention, incommunicado detention and enforced disappearances and in particular not to detain people beyond the 72-hour period as provided in Gambia's Constitution;
- Allow independent national and international human rights monitors access to detention centres, in particular the International Committee of the Red Cross.

IMPUNITY FOR HUMAN RIGHTS VIOLATIONS

- Publicly instruct all security forces to suspend from active duty any officer suspected of involvement in human rights violations, including excessive use of force, arbitrary arrests and torture, until the allegations against them have been independently, thoroughly, impartially and transparently investigated;
- Repeal the Indemnity (Amendment) Act 2001 which conflicts with Gambia's obligations under international human rights law;
- Expand the Ombudsman's mandate to include investigations into human rights violations, and provide sufficient resources and capacity to implement this larger mandate;
- Put in place measures to safeguard the independence of the judiciary in line with international standards including the UN Basic Principles on the Independence of the Judiciary;

- Expedite the operationalization of the National Human Rights Commission and ensure it can function in an effective and independent manner, with adequate resources, in line with the Principles relating to the Status of National Institutions (The Paris Principles).

INTERNATIONAL AND REGIONAL HUMAN RIGHTS OBLIGATIONS

- Comply with judgements and orders from the ECOWAS Community Court of Justice in the cases of Deyda Hydara, Ebrima Manneh and Musa Saidykhan;
- Fully and effectively implement the recommendations made by other UN member states during Gambia's UPR in the UN Human Rights Council (UNHRC) and accepted by Gambia in 2015;
- Fully and effectively implement the recommendations made by UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the UN Special Rapporteur on extrajudicial executions ;
- Ratify outstanding human rights treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; International Convention for the Protection of All Persons from Enforced Disappearance; the African Charter on Democracy, Elections and Governance; and other similar treaties;
- Make a declaration pursuant to Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights that would allow direct access for individuals and NGOs to the Court;
- Extend a standing invitation to all thematic special procedures of the United Nations Human Rights Council and ACHPR. In particular, invite the UN and ACHPR Special Rapporteurs on freedom of speech and opinion and on the situation of human rights defenders as well as the ACHPR Special Rapporteur on prisons and conditions of detention, to conduct unrestricted visits to Gambia.

TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

- Urge Gambia to promptly and fully comply with its state reporting obligation as stipulated under Article 62 of the African Charter on Human and Peoples' Rights and Article 26 of the Protocol on the Rights of Women in Africa. In particular, urge Gambia to promptly and without further delay submit its 11 overdue state party reports;
- Request Gambia to include in its state party report, submitted pursuant to Article 62 of the African Charter on Human and Peoples' Rights and Article 26 of the Protocol on the Rights of Women in Africa, specific information on the status of implementation of resolutions 134, 145 and 299 issued by the ACHPR in 2008, 2009 and 2015 respectively. Should Gambia fail to comply with the request within a reasonable time, refer Gambia to the African Union Assembly for non-compliance with the resolutions of the ACHPR.

TO ECOWAS AND THE AU

- Publicly call for the immediate and unconditional release of all prisoners of conscience in Gambia;
- Publicly condemn human rights violations in Gambia on a consistent basis, and privately raise concerns with government officials at all levels;
- Discuss the human rights situation in Gambia at the next Authority of Heads of State and Government of ECOWAS and adopt a resolution specifically directing the Gambian authorities to fully implement all outstanding ECOWAS Community Court of Justice decisions with a strong and clear statement on the resulting consequences if they do not comply with the resolution;

- Ensure any election monitors deployed before and during the 2016 elections include a mandate to document and report on human rights violations;
- Establish a joint ECOWAS-AU Independent Commission of Inquiry into the arrests and torture and other ill-treatment of protesters, including UDP members, between April-May 2016;
- Consider the use of the sanctions available under Article 45 (2) of the ECOWAS Protocol on Democracy and Good Governance, namely the suspension of Gambia from all ECOWAS decision-making bodies, and Article 77(iv) of the ECOWAS Revised Treaty.

TO THE INTERNATIONAL COMMUNITY, IN PARTICULAR THE MEMBER STATES OF THE UNITED NATIONS HUMAN RIGHTS COUNCIL, THE EU, USA, UK, DONOR COUNTRIES AND OTHER CONCERNED GOVERNMENTS

- Consistently and publicly condemn serious human rights violations in Gambia, and raise concerns with Gambian government officials at all levels;
- Call for the immediate and unconditional release of all prisoners of conscience in Gambia;
- Review international assistance to Gambia, specifically with respect to the justice and security sector, to ensure that such assistance is not contributing to human rights violations;
- Establish a Special Rapporteur of the UNHRC on the situation of human rights in Gambia mandated to monitor the human rights situation in Gambia, to receive information from relevant stakeholders pertaining to the human rights situation in the country and to report annually to the Human Rights Council and the General Assembly;
- Put pressure on the Gambian government to fully and effectively comply with the rulings of the ECOWAS Community Court of Justice in the cases of Deyda Hydara, Ebrima Manneh and Musa Saidykhan;
- Press for the implementation of the Human Rights Council recommendations during the 20th UPR and the recommendations contained in the 2015 reports of the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the UN Special Rapporteur on extrajudicial executions;
- Call for any election monitors deployed before and during the 2016 elections to document and report on human rights violations and abuses;
- Support human rights and civil society organizations, in Gambia and in exile, working to document human rights abuses, expand freedom of expression and civic education, to provide legal aid and to monitor elections.

ANNEX 1: RIGHT TO REPLY LETTER

AMNESTY INTERNATIONAL

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TG AFR 27/2016.012

H.E. Sheikh Professor Alhaji Dr. Yahya Jammeh
State House
Banjul, Islamic Republic of The Gambia

02 May 2016

Your Excellency,

Re: Right to reply letter

Amnesty International is an International Non-Governmental Human Rights Organization that works for the protection and promotion of human rights around the world. Amnesty International is a global movement of more than 7 million people in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. Amnesty International is independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

For more than a decade, Amnesty International has been monitoring the human rights situation in the Islamic Republic of Gambia, particularly relating to the rights to freedom of expression, association, and peaceful assembly. In the run up to this year's Presidential elections we have continued to monitor the extent to which these rights are respected, protected, promoted and fulfilled, and would like to share some initial findings with you, and invite you to provide any further information or clarifications before publication of a public report. We would, in general, welcome the opportunity to have greater level of dialogue on an ongoing basis.

Amnesty International notes that the Islamic Republic of Gambia has ratified a number of important human rights treaties that recognize and guarantee a range of human rights, not least those relating to the rights to freedom of expression, association and peaceful assembly, which often come under greater pressure during pre-electoral periods. Such treaties include the ECOWAS Protocol on Democracy and Good Governance, the African Charter on Human and Peoples' Rights, and the International Covenant on Civil and Political Rights.

The organisation has documented the violations of these rights, and is concerned that unless strong measures are taken to address them and provide effective remedies, these violations could increase in

the run up to December elections. This concern is increased in light of the dispersal of peaceful opposition protests on 14 and 16 April, which led to the detention of at least 37 protesters, the death in custody of prominent United Democratic Party (UDP) member, Solo Sandeng, and the continued detention of UDP leader, Ousainou Darboe.

Some key preliminary findings of our research include:

- **Media and journalists:** According to the information documented by Amnesty International, while there are at least three independent newspapers in circulation, there is almost no access to State television or radio for opposition figures, and there have been five closures of independent media outlets since 2011. Restrictive media related laws, including the 2013 Information and Communications Act and the colonial-era law on sedition, provide a undermine the ability of journalists to write articles critical of the government in case they are charged with 'publishing false news'. Journalists face intimidation, with several arrests recorded since 2011, including, for example, Alagie Ceesay, Director of Teranga FM.

- **Political parties:** Although opposition parties appeared to be able to organise events without restriction between May 2015 and March 2016, security forces dispersed two peaceful protests organised by the UDP and youth activists on 14 April and the UDP and its supporters on 16 April. At least 37 were arrested and detained, some of whom were beaten, and at least one person, Solo Sandeng, died in custody. At the time of writing, at least five UDP members remain unaccounted for and have not been produced in court. Amnesty International also considers three UDP members, Amadou Sanneh, Alhagie Sambou Fatty and Malang Fatty, as prisoners of conscience after having been arrested in December 2013, convicted of sedition and sentenced to up to five years of imprisonment.

- **Civil society:** The enforced disappearance of three Imams – Alhagi Ousman Sawaneh (the Imam of Kanifing South Mosque), Imam Cherno Gassama of Dasilami Mosque and Imam Sheikh Omar Colley of a mosque in Jabang Borehole – who were arrested in October and November 2015 after Imam Sawaneh presented a petition to State House is a recent example of decreasing space for civil society to organise and express themselves freely and independently. We note also the death in custody in February 2016 of Sheriff Diba, Secretary of the Gambia National Transport Control Association (GNTCA), which was also banned by an Executive Order in January 2016, the arrest and trial of Sait Matty Jaw in 2014 for undertaking a survey for Gallup, the arrest of Babucarr Sesay & Abubacarr Saidykhan in 2012 for applying to protest about the 2012 executions of nine death row inmates, and the enforced disappearance for five months of Imam Baba Leigh in 2012 also linked to opposition of these executions.

- **Legal safeguards:** The practice of arbitrary arrest and incommunicado detention, in addition to the practice of torture and other ill-treatment, has been documented by a number of organisations including the United Nations. In addition to the enforced disappearance of the three Imams mentioned earlier, the former Deputy Minister of Agriculture, Ousman Jammeh, remains in incommunicado detention since 15 October 2015. Furthermore, many concerns were raised about surveillance of those suspected of opposing the government, including the regular monitoring of phone records.

- **Cooperation with regional and institutional bodies:** The Islamic Republic of Gambia has yet to enforce and implement three judgements passed by the ECOWAS Community Court of Justice in cases relating to three journalists: the enforced disappearance of Ebrima Manneh, the death of Deyda Hydara, and the torture of Musa Saidykhan. It also refused to allow the UN Special Rapporteur on Torture access to the high security wing of Mile Two prison in 2014 and rejected several recommendations on key human rights issues during the UN Universal Periodic Review in March 2015, including restrictions on the right to freedom of expression and ratification of the UN Convention against Torture.

We would very much welcome your perspective and any complementary information on these preliminary findings so that they can be integrated into any future publication. We would like to receive information or clarifications on the following questions:

- What is the status of any investigations into the deaths in custody of Solo Sandeng and Sheriff Diba, and what was the result of any autopsy conducted?
- Why was the Gambia National Transport Control Association (GNTCA) banned in January 2016?
- Where are the remaining UDP protesters who were arrested on 14 and 16 April and who have not been produced in court with the other protesters being tried?
- Why were UDP members Amadou Sanneh, Alhagie Sambou Fatty and Malang Fatty not released in July 2015 when several other prisoners were released during the Presidential Pardon?
- Where are Ebrima Manneh, Imams Sawaneh, Gassama and Colley, and Ousmane Jammeh, former Dep Minister of Agriculture being held, what offences have they been charged with, and what access do they have to their family or a lawyer?
- What actions are being taken to implement the three judgements passed by the ECOWAS Community Court of Justice?
- What are the legal procedures required to be able to monitor the private communications of citizens, for example by printing records of phone calls?
- What actions and measures will you be taking to ensure that everyone, including journalists, political opponents, civil society organisations and human rights defenders will be able to enjoy their rights to freedom of expression, association and peaceful assembly before, during and after the December 2016 elections?

We would be happy for an Amnesty International delegation to meet you in person and members of your government between 19 and 20 May 2016 to discuss any of these issues. We would also welcome any written responses to the address above or by email to olivia.tchamba@amnesty.org before 20 May 2016.

Yours sincerely

Alioune Tine
Regional Director
West and Central Africa Regional Office

Cc :

- Isatou Njie-Saidy, Vice President
- Mama Fatima Singhateh, Minister of Justice and Attorney General
- Sheriff Bojang, Minister of Information and Communication Infrastructure
- Neneh MacDouall-Gaye, Minister of Foreign Affairs

ANNEX 2: LEGAL OBLIGATIONS

INTERNATIONAL HUMAN RIGHTS TREATIES

Gambia has ratified several international and regional human rights treaties which create binding obligations on Gambia, including the International Covenant on Civil and Political Rights (ICCPR) (22 March 1979) and African Charter on Human and Peoples' Rights (African Charter) (13 June 1983).

It has signed but not ratified the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. Gambia has yet to ratify a number of other key conventions including the Convention for the Protection of All Persons from Enforced Disappearance.

As noted, Gambia is a state party to the ECOWAS Protocol on Democracy and Good Governance and is obliged to respect, protect and fulfil a range of human rights such as:

- guaranteeing the rights set out in the African Charter (Article 1(h);
- freedom of the opposition to operate without hindrance of discrimination in the election (Article 1(i));
- freedom of association and the right to meet and organise peaceful demonstrations (Article 1(j));
- freedom of the press (Article 1(k));
- forbidding all cruel, inhuman and degrading treatment (Article 22).

FREEDOM OF EXPRESSION

Article 9 of the African Charter provides that *"(1) Every individual shall have the right to receive information. (2) Every individual shall have the right to express and disseminate his opinions within the law."*

Freedom of expression is also guaranteed under Article 25 (1) (a) and (b) of the Gambian Constitution, Article 66(2)(c) of the Revised ECOWAS Treaty and Article 19 of the ICCPR. The African Commission has also passed a Resolution on the Right to Freedom of Expression in Africa[190] and the Declaration of Principles on Freedom of Expression in Africa[191] which Gambia should implement.

In *Deyda Hydara v. Republic of The Gambia*, the ECOWAS Community Court of Justice stated that, states have an obligation *"to protect media practitioners including those critical of the regime,"* for "*freedom of expression also includes the freedom to criticize the government and its functionaries"*.[192]

[190] Resolution on the Right to Freedom of Expression in Africa, adopted at the Eleventh Ordinary Session of the African Commission, 2-9 March 1992.
[191] Declaration of Principles on Freedom of Expression in Africa, adopted at the Thirty-second Ordinary Session of the African Commission, 17-23 March 2002.
[192] *Deyda Hydara v. Republic of The Gambia*, Case No. ECW/CCJ/APP/30/11 (10 June 2014) p. 6.

In the case of *Constitutional Rights Project and others v. Nigeria*, the ACHPR emphasized: "[*I*]*t is a well settled principle of the ACHPR that any laws restricting freedom of expression must conform to international human rights norms and standards relating to freedom of expression and should not jeopardise the right itself*".[193]

In the recent case of *Konate v. Burkina Faso*, the African Court on Human and Peoples' Rights ruled that imprisonment for defamation violates the right to freedom of expression while criminal defamation laws should only be used in restricted circumstances.[194]

RIGHT TO PRIVACY

This is protected by Article 23 of the Gambian Constitution and Article 17 of the ICCPR.

The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has stated that, "*States cannot ensure that individuals are able to freely seek and receive information or express themselves without respecting, protecting and promoting their right to privacy. Privacy and freedom of expression are interlinked and mutually dependent; an infringement upon one can be both the cause and consequence of an infringement upon the other. Without adequate legislation and legal standards to ensure the privacy, security and anonymity of communications, journalists, human rights defenders and whistle-blowers, for example, cannot be assured that their communications will not be subject to States' scrutiny*".

The UN Special Rapporteur recommended several measures to strengthen legal standards including, "*Legislation must stipulate that State surveillance of communications must only occur under the most exceptional circumstances and exclusively under the supervision of an independent judicial authority. Safeguards must be articulated in law relating to the nature, scope and duration of the possible measures, the grounds required for ordering them, the authorities competent to authorize, carry out and supervise them, and the kind of remedy provided by the national law.*"[195]

These principles have also been stressed by the ACHPR in their Principles and Guidelines while Countering Terrorism in Africa.[196]

Further, the Office of the United Nations High Commissioner for Human Rights report on Privacy in the Digital Age stated:

"Bearing the above observations in mind, there is a clear and pressing need for vigilance in ensuring the compliance of any surveillance policy or practice with international human rights law, including the right to privacy, through the development of effective safeguards against abuses. As an immediate measure, States should review their own national laws, policies and practices to ensure full conformity with international human rights law. Where there are shortcomings, States should take steps to address them, including through the adoption of a clear, precise, accessible, comprehensive and non-discriminatory legislative framework. Steps should be taken to ensure that effective and independent oversight regimes and practices are in place, with attention to the right of victims to an effective remedy."[197]

FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

Freedom of association is guaranteed under Article 22(1) of the ICCPR, which provides that: "*Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.*"

Article 21 of the ICCPR guarantees the right to freedom of assembly. It states: "*The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of*

[193] Communication 232/99, para. 28.
[194] *Konate v. Burkina Faso*, Application No. 004/2013 (2014).
[195] Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, 17 April 2013, UN Doc A/HRC/23/40 available at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A.HRC.23.40_EN.pdf (accessed 10 May 2016).
[196] ACHPR, *Principles and Guidelines while Countering Terrorism in Africa*, available at http://www.achpr.org/mechanisms/human-rights-defenders/Principles-Gudelines/ (accessed 21 May 2016).
[197] OHCHR, *The right to privacy in the digital age*, A/HRC/27/37 30 June 2014 available at http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37_en.pdf (accessed 21 May 2016).

national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."

Freedom of association and of peaceful assembly is also guaranteed under the Gambian Constitution by Article 25(1)(d) and Articles 10 and 11 of the ACHPR.

A range of soft law and other guidance codifies human rights standards for policing peaceful assemblies. Among other things, law enforcement officials are obliged to know, and to apply, international standards for human rights.[198] Governments including through their police officers and other law enforcement agencies must respect and protect the rights of freedom of association, movement, freedom from arbitrary arrest and detention and promote impartiality in the administration of law. Under international law states have a positive obligation not only to actively protect peaceful assemblies, but to facilitate the exercise of the right to freedom of peaceful assembly.[199] The right to freedom of peaceful assembly is so important that the authorities should not break up peaceful assemblies even if they are unlawful. Under the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, any use of force must be strictly necessary and proportional to the law enforcement objective.[200]

In 2015, the ACHPR published a report on freedom of assembly and association in Africa, which stated, *"States must fully respect in law and practice the right to freedom of expression through assembly. Discrimination among assemblies based on the content of the expression involved is illegitimate."*[201]

Under international law, a requirement to give notification must not be such as to amount in practice to a requirement to obtain authorization. The purpose of notification requirements must be to allow the authorities to take reasonable and appropriate measures to guarantee the smooth conduct of any assembly, meeting or other gathering, and while the authorities may use notification requirements to ensure protection of the rights of others or to prevent disorder or crime, they should not represent a hidden obstacle to the effective enjoyment of freedom of peaceful assembly.

The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has explicitly stressed that no authorization should be required to assemble peacefully.[202] The exercise of the right to freedom of peaceful assembly should be governed at most by a regime of prior notification, which should not be burdensome, the rationale of which is to allow state authorities to facilitate the exercise of the right and take measures to ensure public safety and order and the rights and freedoms of others.[203] The Special Rapporteur has recommended that notice should be subject to a proportionality assessment, and should only be required for large assemblies or those where a certain degree of disruption is anticipated, with a recommended maximum notice requirement of, for example, 48 hours.[204]

Spontaneous assemblies may sometime take place as an immediate response to some triggering event, where the organizer, if there is one, is unable to meet the deadline for prior notification. The ability to hold them is important because delay would weaken the message to be expressed. Spontaneous assemblies also occur with no identifiable organizer when a group of people gathers with no prior advertising or invitation, often as a result of commonly held knowledge about a particular event disseminated via the internet or other forms of instantaneous communication, or where a lone demonstrator is joined by others.

Even if the organizers have failed to notify the authorities, the assembly should not be dispersed automatically and the organizers should not be subject to criminal sanctions or to administrative sanctions resulting in fines or imprisonment, simply on this account.

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[198] OHCHR, Professional Training Series No. 5/Add.3, Human Rights Standards and Practice for the Police, 2004.
[199] Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, report to the Human Rights Council, A/HRC/20/27, para. 27.
[200] UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted September 1990, http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx (accessed 10 May 2016).
[201] ACHPR, Report of the Study Group on Freedom of Association and Assembly in Africa, 2015, p. 62, http://www.icnl.org/research/resources/ACHPR%20English%20REPORT%2021.05.2015.pdf (accessed 10 May 2016).
[202] See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/23/39, 24 April 2013, para. 51.
[203] See Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/23/39, 24 April 2013, para. 51. See also UN Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association A/HRC/20/27 para. 28 and recommendation at para. 90.
[204] UN Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, A/HRC/20/27, 21 May 2012, para. 28. See also A/HRC/23/39, 24 April 2013, paras 51 and 52.

RIGHT TO LIBERTY AND SECURITY OF PERSON

Article 6 of the African Charter provides, *"Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained".*

The right to liberty and security is also protected under Article 19 of the Gambian Constitution and Article 9(1) of the ICCPR. Article 19(3) of Gambian Constitution imposes a 72-hour time limit to detention before a person needs to be brought before a court.

Although an arrest or detention may be legal under national law, it may nonetheless be illegal due to its unpredictable nature or from being inappropriate or unjust.[205] The ACHPR has found that the following violate the right to liberty and security: failure of a state to take appropriate measures to protect the physical integrity of its citizens from abuse either by official authorities or other citizens/third parties;[206] arbitrary arrest;[207] indefinite detention;[208] prolonged detention without charge;[209] arrests without reasons;[210] and mass arrests and roundups of political or human rights defenders and journalists.[211]

FREEDOM FROM TORTURE OR CRUEL, INHUMAN AND DEGRADING TREATMENT

Article 21 of the Gambian Constitution, Article 5 of the African Charter and Article 7 of the ICCPR guarantee the freedom from torture or cruel, inhuman and degrading treatment or punishment.

FREEDOM FROM ENFORCED DISAPPEARANCES

Gambia has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance. However, the absolute prohibition of enforced disappearance is part of customary international law and is included as a crime in the Rome Statute of the International Criminal Court (ICC) to which Gambia is a state party. Although a separate crime in and of itself, the acts of enforced disappearance also amount to violations of prohibition of torture and freedom from arbitrary arrest and detention.

RIGHT TO A REMEDY

A fundamental notion of contemporary human rights law is that victims of violations enjoy an independent right to effective remedies as provided by Article 2 of the ICCPR.

RIGHT TO RETURN

The right for Gambian citizens to return to Gambia is protected under Article 12(2) of the African Charter and Article 12(4) of the ICCPR.

In *Randolph v. Togo*, Communication No. 910/2000 (27 October 2003), the UN Human Rights Committee found that, where a person has been forced into exile due to a previous violation of their human rights, the continued effect of that violation (i.e. the exile) can itself constitute a violation of human rights (para.8.3).

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[205] Communication 275/03, *Article 19 v. Eritrea*, para. 93.
[206] Communications 279/03-296/05, *Sudan Human Rights Organisation & Centre on Housing Rights and Evictions (COHRE) v. Sudan* (2009), para. 179.
[207] Communication 292/04, *Institute for Human Rights and Development in Africa v. Angola* (2008), para. 54.
[208] Communications 25/89, 47/90, 56/91, and 100/93.
[209] Communications 137/94, 139/94, 154/96.
[210] Communications 222/98- 229/99, *Law Office of Ghazi Suleiman v. Sudan* (2002).
[211] Communications 54/91, 61/91, 98/93, and 164/97–196/97.

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DANGEROUS TO DISSENT

HUMAN RIGHTS UNDER THREAT IN GAMBIA

In December 2016, Gambia holds Presidential elections amid serious violations of the rights of opposition members, journalists, human rights defenders, civil society organizations and voters to express themselves freely and without fear of reprisal.

This report highlights consistent patterns of violations against these groups since the last Presidential elections in November 2011. Space for freedom of expression has closed even further with new laws aimed to repress dissent on the internet and media outlets critical of the government facing harassment and censorship.

Opposition groups still face major restrictions. In April and May 2016, Gambian security forces arbitrarily arrested and beat up dozens of members of the United Democratic Party (UDP), leading to the death of one, Solo Sandeng, the UDP National Organizing Secretary – following torture at the National Intelligence Agency (NIA).

Civil society continues to be curtailed and a long history of targeting human rights defenders has left individuals reluctant to speak out about sensitive human rights issues. Religious leaders who are perceived to challenge the government receive the same treatment. The widespread practice of unlawful surveillance by agents of the NIA and police also contributes to self-censorship and fear.

Amnesty International calls on the government of Gambia to act with urgency to safeguard the human rights of all Gambians in the run-up to December's elections and far beyond. Amnesty International also urges the international community, including Gambia's regional partners in ECOWAS and the AU, to consider stronger measures if Gambia does not make significant progress towards meeting its international and regional human rights obligations.

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